

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
1-4

Page 1		Page 3	
1	IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA MACON DIVISION	1	WITNESS/EXAMINATION INDEX
2		2	Witness Name Page Line
3	JARRETT LITTLE and CINDY LITTLE, as guardians and natural parents of	3	Brian Boggess
4	LINDSEY LITTLE,	4	Examination By Ms. McArthur 4 12
5	Plaintiffs,	5	Errata Page 188 1
6	vs. CASE NO.: 5:12-cv-147 (MTT)	6	Certificate of Reporter 191 1
7	ALONZO K. McCLURE; ALEX LEE, Inc., MERCHANTS DISTRIBUTORS, Inc., OF NORTH CAROLINA; MERCHANTS TRANSPORT OF	7	
8	HICKORY, Inc., and THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT,	8	EXHIBITS
9	Defendants.	9	Exhibit Description Page Line
10		10	PLF. EXH. CV; Boggess 4 24
11		PLF. EXH. 3A, SEA 219651 15 17	
12		PLF. EXH. 3B, Distance v. Time chart 15 19	
13	DEPOSITION OF: BRIAN BOGESS, SEA	PLF. EXH. 3C, Screen shot 15 21	
14	DATE: October 31, 2013	PLF. EXH. 3D, Data 15 23	
15	TIME: 10:24 a.m.	PLF. EXH. 3E, Definition of vehicles 186 6	
16	LOCATION: 300 East McBee Avenue Suite 500	PLF. EXH. 4-A, Bill; 5/22/12 122 13	
17	Greenville, SC	PLF. EXH. 4-B, Bill; 12/19/12 122 15	
18	TAKEN BY: Counsel for the Plaintiff	PLF. EXH. 5, Field Notes 127 3	
19	REPORTED BY: SHARON G. HARDOON, Court Reporter, Notary Public	PLF. EXH. 6, Project Assignment Report; 128 22 3/16/12	
20		PLF. EXH. 7, DDEC reports 130 1	
21		PLF. EXH. 8, Deposition summaries 135 1	
22		PLF. EXH. 9, Alexander Report 135 15	
23		PLF. EXH. 10, Photos 142 16	
24		PLF. EXH. 11, Diagram 148 24	
25			
Page 2		Page 4	
1	APPEARANCES:	1	STIPULATION
2	ATTORNEYS FOR THE PLAINTIFF JARRETT LITTLE and CINDY LITTLE, as guardians and natural parents of	2	It is stipulated by and between counsel
3	LINDSEY LITTLE:	3	that this deposition is being taken in accordance
4	THE LAW FIRM OF KATHY MCARTHUR BY: KATHY MCARTHUR 6055 Lakeside Commons Drive	4	with the South Carolina Rules of Civil Procedure;
5	Suite 400	5	that all objections as to notice of this deposition
6	Macon, Georgia 31210	6	are hereby waived; that all objections except as to
7	(478) 238-5600	7	form are reserved until the time of trial; and that
8	kmcarthur@mcarthurlawfirm.com	8	the deponent does not waive reading and signing of
9	ATTORNEYS FOR THE DEFENDANT ALONZO K. McCLURE; ALEX LEE, Inc., MERCHANTS DISTRIBUTORS, Inc., OF NORTH CAROLINA;	9	this deposition.
10	MERCHANTS TRANSPORT OF HICKORY, Inc., and THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT:	10	BRIAN BOGESS,
11		11	being first duly sworn, testified as follows:
12		12	EXAMINATION
13		13	BY MS. MCARTHUR:
14		14	Q. State your name for the record, please.
15		15	A. Brian Boggess.
16		16	Q. Mr. Boggess, do you want to read and sign
17	SMITH MOORE LEATHERWOOD, LLP BY: KURT M. ROZELSKY 300 East McBee Avenue, Suite 500	17	the deposition transcript once it's typed, or do you
18	Greenville, SC 29602 (864) 242-6440	18	want to waive that right?
19	kurt.rozelsky@smithmoorelaw.com	19	A. I would like to read and sign, please.
20	Also Present:	20	Q. Okay. You can consider yourself
21	John Hughes, Risk Management; Alex Lee, Inc.	21	continuously sworn so you don't have do it in front
22		22	of a notary, okay?
23		23	A. Okay, thank you.
24		24	(PLF. EXH. 1, CV; Boggess, was marked for
25		25	identification.)

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
5-8

1 BY MS. MCARTHUR:	Page 5	1 Q. Is he still there?	Page 7
2 Q. I marked as Plaintiff's Exhibit 1 the CV		2 A. I believe he has returned to Japan.	
3 that you provided. Are there any -- is this up to		3 Q. Who was still there that was there when you	
4 date?		4 were there?	
5 A. I believe so, yes, ma'am.		5 A. I believe a guy by the name of John Turley,	
6 Q. You've taken nothing in addition to being a		6 T-U-R-L-E-Y, would still be there.	
7 project engineer at SEA Limited, correct?		7 Q. Who were the others that you just mentioned	
8 A. That's my title.		8 were your supervisors?	
9 Q. Have you taken any other accident		9 A. John Turley was the manager. Also we had a	
10 reconstruction courses except the two at		10 guy by the name of Charles Thomas was a manager as	
11 Northwestern that you took in 2008?		11 well during my time there.	
12 A. Those two classes are obviously		12 Q. Who else was in the department with you	
13 specifically entitled Accident Reconstruction. Some		13 during that time?	
14 of the other courses that are listed pertain to		14 A. I mean, in terms of co-workers,	
15 accident reconstruction above and beyond that.		15 supervisors? I mean, there's 35 or so safety	
16 Q. Well, the first two that you took were the		16 engineers probably in the division.	
17 Traffic Accident Reconstruction I and II at		17 Q. So there were 35 people in the same	
18 Northwestern in February 2008, correct?		18 department -- the same job you had?	
19 A. Yes, ma'am.		19 A. Everybody had a different role, different	
20 Q. And it wasn't that -- you really weren't		20 responsibilities, but, yes. I mean, they were all	
21 actively involved in reconstructing automobile		21 tasked with the development of the vehicles for	
22 accidents before you took those two courses as part		22 safety purposes.	
23 of your work, were you?		23 Q. How many of them were also reconstructing	
24 A. I had been doing accident reconstruction		24 hundreds of crashes as you say you were?	
25 and evaluations dating back to my time at the		25 A. Several.	
1 automotive safety lab in graduate school, so that	Page 6	1 Q. How many?	Page 8
2 would be '99 through '01.		2 A. I don't know.	
3 Q. '99 through '01, you did some then?		3 Q. Who were they?	
4 A. Yes, ma'am. And then even at Honda. I		4 A. Guys by the name of Matt Seman, S-E-M-A-N,	
5 mean, my job at Honda from '01 until '07 was		5 Grant Foreman, F-O-R-E-M-A-N.	
6 automotive safety, so we were crashing vehicles,		6 Q. Are they still there?	
7 evaluating vehicles, evaluation crash dynamics of		7 A. I believe they are.	
8 vehicles.		8 Q. Same job, as far as you know?	
9 Q. Well, tell me then, during your time at		9 A. What do you mean by same job?	
10 Honda how many crashes did you reconstruct?		10 Q. Are they still in the same job position, as	
11 A. Full vehicle, I mean, our lab we crashed --		11 far as you know?	
12 Q. I'm talking about you, personally?		12 A. I'm sure they've been promoted to some	
13 A. I don't have a number. Hundreds.		13 degree, but I don't know to what.	
14 Q. How many?		14 Q. Are you in touch with them?	
15 A. Hundreds.		15 A. Maybe once is a while I might run into them	
16 Q. Hundreds while you were a safety engineer		16 at a conference. Not on a regular basis.	
17 at Honda?		17 Q. When was the last time you saw either one	
18 A. Yes, ma'am.		18 of them?	
19 Q. Who was your supervisor there?		19 A. It's been a few years. I don't know the	
20 A. I had multiple managers over the division.		20 last time.	
21 The Japanese chief engineer was a guy by the name of		21 Q. What is Claims & Litigation Management	
22 Takayuki, T-A-K-A-Y-U-K-I, last name, Sugama,		22 Alliance?	
23 S-U-G-A-M-A.		23 A. It's an organization of claims litigation	
24 Q. Was he where you were?		24 folks. I know that there's insurance adjusters,	
25 A. Yes, he was.		25 there's attorneys involved. There's consulting	

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
9-12

<p>1 engineering firms like ourselves. I mean, I've been 2 at meetings of the CMLA, or CLM. 3 Q. Is it something that -- you're actually 4 listed as part of the Claims & Litigation Management 5 Alliance, correct? 6 A. I believe I'm registered as part of the 7 group. I'm not -- as far as I'm aware, there's not 8 a fee or anything. I did join. I've not been to 9 the conference. 10 Q. What role does SEA Limited play in Claim & 11 Litigation Management Alliance? 12 A. I believe to some degree they sponsor, but 13 I do not know to what extent. 14 Q. And that is an organization that is 15 primarily for advancing the defense of lawsuits, is 16 it not? 17 A. Not to my understanding, no. 18 Q. Is it about plaintiff's cases? 19 A. I believe it's geared toward managing 20 claims, managing cost of claims. I've had several 21 people -- attorneys, defense counsel that have told 22 me even that they are members of it because of the 23 number of people involved. But then again, they 24 don't like the organization because it's managing 25 their cases and cutting down their bills and their</p>	<p>Page 9 1 than to try to, quote, manage their claims, 2 correct? 3 A. I don't know their full mission. 4 Q. It's a defense group, isn't it? 5 A. I don't know if it's the exact -- from what 6 you read, I don't hear the word injured party or 7 other in that mission, but I don't know their full 8 purpose. 9 Q. Are you unwilling to say that the Claims & 10 Litigation Management Alliance is a defense -- is an 11 organization devoted to defending litigation claims 12 made by injured parties? 13 A. I don't know enough about it to agree or 14 disagree with you. 15 Q. Well, you've been a part of it for how 16 long? 17 A. A couple years. 18 Q. You actually were invited to speak at it, 19 were you not? 20 A. I applied to speak and was allowed to, 21 yes. 22 Q. You were invited to speak last year, 23 correct? 24 A. Again, for the speaking opportunities, they 25 ask if you're interested and you apply. So it's not</p>
<p>1 work on cases and making cases go away. So in some 2 cases, it's hurting them. 3 I don't know the exact role that the 4 organization has. I know that we are somewhat 5 involved in it. 6 Q. So do you know what the mission of it is? 7 A. I don't. 8 Q. Why would it show you in your biography as 9 part of it? I mean, why would your picture and your 10 biography be on the Claims & Litigation Management 11 Alliance? 12 A. Again, when you join, they ask you to post 13 a bio. I registered and I had to do that because -- 14 specifically, I participated on a panel at one of 15 the meetings a couple years ago, so I had to upload 16 a biography at that point. 17 Q. CLM's members and fellows include risk and 18 litigation managers, insurance and claims 19 professionals, corporate counsel, outside counsel 20 and third-party vendors. Is that your understanding 21 too? 22 A. If it says that. It sounds similar to what 23 I've seen or heard. 24 Q. Mr. Boggess, nothing about CLM has anything 25 to do with representing injured plaintiffs other</p>	<p>Page 10 1 necessarily an invitation as opposed to an 2 application that's been approved. 3 Q. You don't know what role SEA plays in 4 Claims & Litigation Management Alliance? 5 A. As I said before, I that SEA does some type 6 of sponsorship. The degree, I do not know. 7 Q. It says that its mission -- one of its 8 missions is communication -- to foster communication 9 between all parties; risk managers, claims managers, 10 and adjusters, general counsel, insurance company 11 executives, attorneys, brokers and service 12 providers. 13 Are you aware that that's one of the 14 missions of that group. 15 A. I don't know that I read that. I take it 16 you're reading off their website or some information 17 that they put out. 18 Q. I mean, it doesn't mention injured parties, 19 does it? 20 A. Not in that statement, no. 21 Q. In the last year, tell me any plaintiffs 22 attorneys that you worked with? 23 A. Brent Stewart out of Rock Hill. The 24 Charles Monnett firm out of Charlotte. 25 Q. Okay.</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLURE

October 31, 2013
13-16

<p>1 A. There's definitely more of those. There's 2 a couple more as I sit here. 3 Q. I marked as Exhibit Number 2 -- oh, have 4 you had -- since 2008, other than the two courses 5 that you mentioned at Northwestern, have you had any 6 other traffic accident reconstruction courses 7 specifically? 8 A. Sure. 9 Q. Where? 10 A. As you go up through there. I mean, the 11 crash data retrieval courses. A course dedicated to 12 imaging and studying the electronic data stored on a 13 vehicle's electronic controls modules. 14 Q. You're just getting the data off the 15 computer systems and other devices on a vehicle, 16 correct? 17 A. That's part of the reconstruction, yes. 18 Q. But it's not as far as the actual -- you're 19 going to use that data then at some other point to 20 help reconstruct, right? This is just a course on 21 retrieving the data, correct? 22 MR. ROZELSKY: Object to the form. 23 THE WITNESS: It touches on both. 24 Interpretation of the data, how to use the 25 data, the meaning of the data, which obviously</p>	Page 13	<p>1 Q. I don't have any other images other than 2 data images that would be part of the 3C. 3 A. These tables here are the inputs -- some of 4 the inputs and outputs from that particular data 5 attached in this folder here entitled Analysis. 6 Q. Have those been provided before today? 7 A. To Mr. Rozelsky or other? 8 Q. Yes. 9 A. No. 10 Q. I don't think he provided me with those 11 tables today. 12 A. I'm sure we can get you copies. 13 Q. Those will be 3D. 14 MS. MCARTHUR: The things provided 15 today, for the record, are 3A, 3B and 3C, and 16 now 3D as far as things that we were unaware. 17 (PLF. EXH. 3A, SEA 219651, was marked for 18 identification.) 19 (PLF. EXH. 3B, Distance v. Time chart, 20 was marked for identification.) 21 (PLF. EXH. 3C, Screen shot, was marked 22 for identification.) 23 (PLF. EXH. 3D, Data, was marked for 24 identification.) 25 MS. MCARTHUR: 3A is the calculations,</p>	Page 15
<p>1 directly affects reconstruction. 2 BY MS. MCARTHUR: 3 Q. Well, it's titled Crash Data Retrieval 4 Technician course, correct? 5 A. It is. 6 Q. So what else would you say is an accident 7 reconstruction course? 8 A. Accessing and Interpreting Heavy Vehicle 9 Data Recorders. 10 Q. Which is a similar thing to the one you 11 just mentioned? 12 A. Yes. Again, that's retrieving the data, 13 studying the data, understanding the data, using the 14 data. 15 The next one, EDC Vehicle Dynamics Crash 16 Simulations. It's a class reconstructing accidents 17 and using computer tools to do so. 18 Q. Have you done that with this case? 19 A. I have. 20 Q. What of the materials that you have here 21 would demonstrate that for me? 22 A. The set of images I think you marked as 23 Exhibit 3 in the analysis file. Some of the inputs, 24 outputs are the tables of data that support that 25 data.</p>	Page 14	<p>1 3B is distance and time graph, 3C is the things 2 you need a magnifying glass to read, and 3D is 3 this list of data. 4 MR. ROZELSKY: Data inputs. 5 BY MS. MCARTHUR: 6 Q. Have you done a computer simulation of this 7 wreck? 8 A. Yes. 9 Q. Is it something that can be shown on a 10 computer? 11 A. It could be visually looked at as well as 12 looking at the raw data. 13 Q. Is it something that you can show me 14 today? 15 A. I do not have, I guess, output video type 16 files at this point, no. 17 Q. Well, how am I going to see it? 18 A. The images in 3C are screen shots of kind 19 of the start and end of each one of them and I can 20 explain each one. 21 Q. As far as the simulation that you've done 22 on the computer, is it something that's a moving 23 thing that -- over time where the vehicles are 24 moving, a simulation? 25 A. They would. Again, the computer program</p>	Page 16

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
17-20

<p>1 you set the inputs, so you set where vehicle one and 2 vehicle two start, and then you set the parameters; 3 throttle, braking, steering. Those parameters which 4 are in those tables. And then it marches forward in 5 time in small increments of time.</p> <p>6 The images there kind of show the beginning 7 and the end. Obviously, there's going to be a 8 series of images between those.</p> <p>9 Q. Can you put it on a DVD or PDF file, or 10 whatever, and send it to me?</p> <p>11 A. Yes, I can output the video files for each 12 one of the cases that you have the images for.</p> <p>13 Q. Okay. When did you actually do this 14 simulation?</p> <p>15 A. Within the last two weeks.</p> <p>16 Q. What caused you to do that?</p> <p>17 A. Based upon Mr. Rozelsky's request in the 18 last two weeks to put together more reconstruction 19 work on this case.</p> <p>20 Q. When were you personally first contacted 21 about this case?</p> <p>22 A. I'd have to have the file material that I 23 think is being copied right now to know for sure. 24 It was shortly before the first inspection that 25 would have occurred over a year ago, almost a year</p>	<p>Page 17</p> <p>1 A. He did take measurements of the scene, yes, 2 ma'am.</p> <p>3 Q. And are you basing your opinions on 4 measurements that he took at the scene?</p> <p>5 A. I have certainly factored those in, yes.</p> <p>6 Q. Have you discussed the case with 7 Mr. Peters?</p> <p>8 A. To some degree, yes, ma'am.</p> <p>9 Q. And he's an employee of SEA also?</p> <p>10 A. He is.</p> <p>11 Q. He's in Lawrenceville, Georgia?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. What were you personally initially asked to 14 do on this case?</p> <p>15 A. Initially, I believe Mr. Rozelsky called me 16 about this case and asked me to do the inspection, 17 the initial inspection. I was unavailable due to 18 prior engagements, so Mr. Peters went out to do the 19 inspection, which turned into inspections.</p> <p>20 Q. Has Mr. Peters done anything else besides 21 that work?</p> <p>22 A. He compiled certainly some of the drawing 23 files and has done photogrammetry of the pictures 24 that he collected for purposes of measurement as 25 well.</p>
<p>1 and-a-half ago.</p> <p>2 Q. Is it your testimony that you participated 3 in the inspection?</p> <p>4 A. I was not present at the inspection, no.</p> <p>5 Q. So you didn't inspect the scene, did you?</p> <p>6 A. I have not, no, ma'am.</p> <p>7 Q. And you didn't inspect either of the 8 vehicles, did you?</p> <p>9 A. No. One of my colleagues did.</p> <p>10 Q. Is that Mr. Peters?</p> <p>11 A. It is.</p> <p>12 Q. And what is Mr. Peters' role with the 13 company?</p> <p>14 A. He is a project engineer, as far as I'm 15 aware.</p> <p>16 Q. What types of things does he do?</p> <p>17 A. He does accident reconstruction. He has 18 specialty in tire issues with his background.</p> <p>19 Q. What other types of -- does he just do 20 general reconstructions and testify in court too?</p> <p>21 A. He could, yes. I don't know what all work 22 he does. I know that he does reconstruction as well 23 and does testify.</p> <p>24 Q. And he's the one who did all the 25 measurements of the scene?</p>	<p>Page 18</p> <p>1 Q. All of the pictures that have been taken in 2 the file, in your file are Mr. Peters' photos, 3 right?</p> <p>4 A. Of the vehicles and the scene, yes. I 5 don't believe I've taken any photos.</p> <p>6 Q. You haven't been to the scene, correct?</p> <p>7 A. Correct.</p> <p>8 Q. The drawings that were in the materials 9 that I've sent out to be copied those are Mr. Peters 10 drawings?</p> <p>11 A. I believe so, yes, ma'am.</p> <p>12 Q. Have you met with Mr. Peters to discuss his 13 thinking about it?</p> <p>14 A. I don't believe we discussed this case face 15 to face. We've done it over the phone. I've 16 certainly seen Mr. Peters, but I don't believe I've 17 talked to about this case face-to-face with him.</p> <p>18 Q. How many times have you talked to him about 19 it?</p> <p>20 A. I don't know. A handful certainly.</p> <p>21 Q. Has he also reconstructed this case?</p> <p>22 A. Not to my knowledge.</p> <p>23 Q. Do you know if Mr. Peters initially went to 24 the wrong site for his inspection of the scene?</p> <p>25 A. I'm not aware of that if he did.</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
21-24

<p>1 Q. I was talking to you about other courses 2 here on accident reconstruction and you've gotten to 3 the E.D.C course it's like seven or eight down. Any 4 others?</p> <p>5 A. Certainly factors in some of the other 6 classes. The applied vehicle dynamics is of course 7 put on by the Society of Automotive Engineers. 8 Basically, it comes down to the handling of a 9 vehicle, the dynamics of a vehicle. What a vehicle 10 can and can't do which directly affects 11 reconstruction.</p> <p>12 And then, you know, aside from specific 13 courses, there's a number of conferences that I've 14 attended that deal with presentations by other 15 reconstructionists on their research, on their 16 testing, on their reconstruction methodology.</p> <p>17 Q. You've been never been a law enforcement 18 officer, have you?</p> <p>19 A. No, ma'am.</p> <p>20 Q. And you've had any reconstruction training 21 similar to what -- well, the law enforcement 22 training that officers who reconstruct wrecks have 23 typically as far as the numbers and courses they 24 take, have you?</p> <p>25 MR. ROZELSKY: Object to the form.</p>	Page 21	<p>1 A. Development of vehicles for crash 2 protection.</p> <p>3 Q. And what else did you do, though? I mean, 4 tell me what your job was.</p> <p>5 A. It was -- again, I worked as a safety 6 engineer, so Honda --</p> <p>7 (Interruption in the proceedings.)</p> <p>8 THE WITNESS: Can you repeat the 9 question?</p> <p>10 BY MS. MCARTHUR:</p> <p>11 Q. I wanted to know your job duties while you 12 were employed by Honda.</p> <p>13 A. I was a safety engineer. So, I mean, 14 you're probably aware, Honda makes vehicles, so we 15 were tasked with developing new vehicles for the 16 American and international fleet of vehicles.</p> <p>17 So in order to sell vehicles, they have to 18 meet certain regulated requirements as well as 19 internal requirements of so it was developing the 20 vehicles for safety. I did everything from 21 pedestrian safety to occupant safety, full vehicle 22 structure, seat belts, air bags.</p> <p>23 The work involved, you know, studying the 24 safety industry as a whole, what's going on in 25 accidents, how can we better protect the motoring</p>	Page 23
<p>1 THE WITNESS: Well, first of all, the 2 class, that Traffic Accident Reconstruction, 3 Northwestern, if I recall there was probably 4 between 15 and 20 persons in that two class. 5 There were two engineers, like myself, and the 6 rest were law enforcement personnel. So those 7 are the courses that they take in order to be 8 able to, I believe, to sit to take the ACTAR, 9 basically police certification for 10 reconstruction.</p> <p>11 In order to take that course as an 12 engineer, I was not required to take the precursors 13 for those, which is basic scene documentation that 14 the officers would have been required to take given 15 my engineering background.</p> <p>16 I mean, the trainings are quite different 17 from an engineering perspective versus a police 18 officer investigation.</p> <p>19 Q. I don't see where you've taking any mapping 20 courses. Have you taken any mapping courses?</p> <p>21 A. The 3D laser scanning is a mapping course, 22 put on by folks from Farah, which is basically 3D 23 scanning of scenes or vehicles or otherwise.</p> <p>24 Q. Tell me, during your time at Honda, what 25 was the primary focus of your work?</p>	Page 22	<p>1 public?</p> <p>2 Q. I don't see anywhere in your CV where it 3 says that as a senior engineer at Honda that you did 4 any accident reconstruction.</p> <p>5 A. Every vehicle --</p> <p>6 MR. ROZELSKY: Let me object. Was 7 that a question or was that a statement.</p> <p>8 BY MS. MCARTHUR:</p> <p>9 Q. Is it there?</p> <p>10 A. Part of the development of the safety 11 systems is crashing testing. And every crash that 12 goes in, it has to be reconstructed and evaluated 13 for its performance.</p> <p>14 Q. So you may have done crash testing the, or 15 you did do crash testing; is that right?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. But you didn't do going out to the scene of 18 a wreck that had happened and actually doing the 19 reconstruction?</p> <p>20 A. No, not at Honda.</p> <p>21 Q. Okay. So, then from '99 to 2001, you 22 didn't actually do any going to a scene and 23 reconstructing a wreck as part of your work as a 24 research assistant at Automobile Safety Center of 25 Applied Biomechanics, did you?</p>	Page 24

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
25-28

<p>1 A. We were provided information from real 2 world crashes and were tasked with reconstructing 3 those accidents in some cases, yes. I did not go to 4 scenes specifically, but we were provided 5 documentation of the accidents and tasked with some 6 aspects at least of reconstruction on those.</p> <p>7 Q. Actually, in your work from '99 to 2000 8 focusing on injury caused by wrecks, not 9 reconstructing the wreck itself, isn't that true?</p> <p>10 A. Some of it was speed related or dynamics 11 related. It's a biomechanics lab, so the strong 12 focus of it was assessment, injury and mitigation.</p> <p>13 Q. You never, during the course of that work 14 from '99 to 2000 actually went to a scene and took 15 photographs of it or measurements to be the person 16 who did the accident reconstruction to determine 17 specifically what happened and the forces in the 18 wreck, that's not what you were doing from '99 to 19 2001, was it?</p> <p>20 MR. ROZELSKY: Object to the form. 21 You can answer.</p> <p>22 THE WITNESS: Again, as I stated, I 23 did not go to the scenes. We did reconstruct 24 the accidents with regards to forces involved 25 so that we could understand the injuries.</p>	Page 25	<p>1 Q. So what percentage of your time was working 2 on helmets?</p> <p>3 A. I didn't touch helmets my first year there, 4 so certainly less than 50. I don't have a 5 percentage to give you.</p> <p>6 Q. Well, a lot of your work was about helmets, 7 wasn't it, when you were at the research 8 institute?</p> <p>9 A. My thesis was on helmets specifically. I 10 had a lot to do automotive exposures as well. My 11 entire first year was dedicated to automotive work, 12 as I recall.</p> <p>13 Q. But it wasn't specifically -- it was trying 14 to determine -- your focus was on what injuries 15 would come from specific forces, wasn't it?</p> <p>16 A. That was certainly one aspect, yes.</p> <p>17 Q. That was the primary aspect of what you 18 were studying, wasn't it?</p> <p>19 A. Again, to say primary, what percentage, I 20 don't know. The lab, as I said before, was a 21 biomechanics lab tasked with understanding injury, 22 risk thresholds, what does it take to injure the 23 body, and then loading environments. It could be 24 ballistic military, it could be automotive, but how 25 does the body respond to loading. In order to do</p>
<p>1 BY MS. MCARTHUR:</p> <p>2 Q. Who sent you information?</p> <p>3 A. Nitza for one.</p> <p>4 Q. I mean, were you -- who else would send you 5 information where you would do any type of 6 reconstruction?</p> <p>7 A. The University the Virginia's lab was 8 partnered with what's called one of the Ciren 9 Centers, C-I-R-E-N, which are sponsored by Nitza. 10 We were paired with the trauma center in Northern 11 Virginia. And if they got certain criteria of 12 injured persons in from a certain type of accident, 13 we would get the details of the accident and be 14 tasked with reconstructing those accidents to 15 understand the injury patterns and the accident 16 itself.</p> <p>17 Q. Well, you actually said here in your CV 18 that your specific work included development of test 19 methodologies for assessment fact based deformation 20 and the subsequent injury risk of ballistic helmets 21 for the United States military?</p> <p>22 A. I did that as well, yes, ma'am.</p> <p>23 Q. And this was a two-year period that you 24 were?</p> <p>25 A. I was, yes.</p>	Page 26	<p>1 that, you have to understand the loading so you have 2 to understand the vehicle crash. It all interplays.</p> <p>3 Q. You were saying airbag deployments and 4 injuries, correct?</p> <p>5 A. I did, yes.</p> <p>6 Q. You actually wrote some articles about risk 7 injuries in females during that time, correct?</p> <p>8 A. I did write a number of papers with regards 9 to that, yes.</p> <p>10 Q. Right. It was -- as far as what your 11 papers were about were -- Injury Risk Function for 12 the Small Female Risk in Axial Loading. That's one 13 of them, right?</p> <p>14 A. Which page are you on.</p> <p>15 Q. Page 6. And Injury Risk Functions for the 16 Fifth Percentile Female Upper Extremity.</p> <p>17 A. I was involved in that study, yes.</p> <p>18 Q. Then you had the analysis of Upper 19 Extremity Response Under Side Airbag Loading, 20 Characterization of Elbow Joint Loading, Accident 21 Analysis and Prevention, correct?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Those were the articles that had to do with 24 automobile injury that you wrote pursuant to the 25 work that you did from '99 to 2001, correct?</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
29-32

<p>1 A. Those are a couple of the papers, yes.</p> <p>2 Q. There's another one down -- I guess we have 3 some more of the elbow fracture and wrist fracture at 4 the bottom of this, but -- actually, the last four 5 on that page. In between there, we're talking about 6 the helmet and head injuries, correct?</p> <p>7 A. Some of them, yes, ma'am.</p> <p>8 Q. None of your publications have to do with 9 doing accident reconstruction of wrecks like the 10 Lindsey Little case, do they?</p> <p>11 A. Some of the publications have to do with 12 accident reconstruction, yes, they do.</p> <p>13 Q. Tell me which ones.</p> <p>14 A. I mean, if we just go back to -- start on 15 Page 5, there's papers on electronic data recovery 16 -- or evaluation of electronic data for vehicles, 17 the first one.</p> <p>18 The third one has to do with commercial 19 vehicles. Braking capabilities of commercial 20 vehicles with regards to accidents, or potential 21 accidents.</p> <p>22 The fourth one is again, heavy truck 23 evaluations. Using hard stop data from on vehicle 24 data.</p> <p>25 The next paper is a reconstruction paper</p>	<p>Page 29</p> <p>1 Q. The courses taught Accident Reconstruction 2 Heavy Vehicle Braking Systems, where have you taught 3 that?</p> <p>4 A. It's been a few years since I've given that 5 one. I don't recall who all I've given that to. 6 I've given it a few times.</p> <p>7 Q. To who?</p> <p>8 A. I've given it as continuing education 9 classes to insurance adjusters for one.</p> <p>10 Q. When and where?</p> <p>11 A. I don't recall the group. Like I said, 12 it's been a few years.</p> <p>13 Q. What about -- I mean, it certainly would 14 have been since you have been away from Honda, 15 wouldn't it?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. So we're not talking about -- I mean, that 18 would have been since 2008, right?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. In the last five years, we're talking 21 about, right?</p> <p>22 A. Yes.</p> <p>23 Q. So what about Accident Reconstruction, 24 Making Effective Use of Your Reconstructionist, to 25 whom have you taught that?</p>
<p>1 looking at the crush of the vehicle published with 2 accident analysis and prevention in 2009.</p> <p>3 The third from the bottom is a paper 4 about -- well, again, injury potential, how a person 5 interacts with the vehicle in the occupant space in 6 a crash.</p> <p>7 And the last two, again, are heavy vehicle 8 with regards to braking and hard stops, which all 9 factor into accident reconstruction.</p> <p>10 Q. Do any of these publications have any 11 application to any of the issues in this case?</p> <p>12 A. Insofar as some of them have to do with 13 braking capabilities of the vehicles, yes. The 14 second paper on the list is basically scientific 15 methodology to analyze any forensic case. It's a 16 methodology paper. So certainly the steps utilized 17 would be applicable.</p> <p>18 Q. Nothing else?</p> <p>19 A. To some degree, there are several vehicle 20 crash, vehicle investigations, so certainly the 21 methodologies are similar. The vehicle dynamics 22 that we're talking about, maybe with regard to this 23 accident -- I don't believe any of these papers deal 24 with the vehicle dynamics outside of the braking. 25 Maybe some strain characteristics.</p>	<p>Page 30</p> <p>1 A. Again, it would be probably a group of 2 adjusters and/or maybe even some counsel. I don't 3 recall the exact venue.</p> <p>4 Q. When have you done that?</p> <p>5 A. I've given that or similar, you know, 6 probably a handful of times over the years to 7 various groups.</p> <p>8 Q. To groups of insurance adjusters?</p> <p>9 A. Could be one.</p> <p>10 Q. Claims representatives?</p> <p>11 A. Could be, yes, ma'am.</p> <p>12 Q. How many times?</p> <p>13 A. Four or five maybe.</p> <p>14 Q. How many times on the heavy braking 15 systems?</p> <p>16 A. Probably four or five.</p> <p>17 Q. What about Biomechanical Analysis and 18 Vehicle Crashes, when have you given or taught a 19 course on that?</p> <p>20 A. Again, a number of times over my years with 21 SEA. Similar type of groups.</p> <p>22 Q. Insurance adjusters, claims managers?</p> <p>23 A. Could be, yes. I mean, often times --</p> <p>24 again, our SEA has marketing folks and they will ask 25 if I can come and give a speak to whoever they might</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
33-36

<p>1 have a presentation set up with.</p> <p>2 Q. But you can't tell me when and where you've</p> <p>3 given a presentation on biomechanical analysis and</p> <p>4 vehicle crashes?</p> <p>5 A. I believe I've -- I mean, I believe I've</p> <p>6 given that within the last year in Atlanta even to a</p> <p>7 group of adjusters.</p> <p>8 Q. What about Biomechanical Engineering,</p> <p>9 Relation of Injury and Loading in Vehicle Accidents</p> <p>10 and Premises Liability, when have you given that and</p> <p>11 to whom?</p> <p>12 A. I've probably given a couple times. I</p> <p>13 believe I gave that specific talk maybe three years</p> <p>14 ago in North Carolina to a group of attorneys that I</p> <p>15 was invited to speak to.</p> <p>16 Q. What group was it?</p> <p>17 A. I believe it was the NCADA.</p> <p>18 Q. NC what?</p> <p>19 A. ADA.</p> <p>20 Q. What does that stand for?</p> <p>21 A. I believe it's the North Carolina</p> <p>22 Association of Defense Attorneys.</p> <p>23 Q. Okay. Then, Biomechanics and Products</p> <p>24 Liability, Do The Claims Match the Evidence. When</p> <p>25 have you given that and to whom?</p>	Page 33	<p>1 A. That's what comes to mind. Again, I don't</p> <p>2 know what all groups I've talked to over the years</p> <p>3 and who all has been there to listen. I show up and</p> <p>4 I give a presentation and I leave.</p> <p>5 Q. It's your memory that all of these</p> <p>6 presentations were even given to claims</p> <p>7 representatives or defense attorneys, correct?</p> <p>8 MR. ROZELSKY: Object to the form.</p> <p>9 THE WITNESS: For the ones I</p> <p>10 specifically recall, yes.</p> <p>11 THE WITNESS: For the ones I</p> <p>12 specifically recall, yes.</p> <p>13 BY MS. MCARTHUR:</p> <p>14 Q. The group that you're a member of, the</p> <p>15 professional affiliations, there's like three of</p> <p>16 them. Is SEA -- okay. Society of Automotive</p> <p>17 Engineers, when did you join that?</p> <p>18 A. Sometime in college.</p> <p>19 Q. And what does that have to do with?</p> <p>20 A. I mean, it's exactly the name, Society of</p> <p>21 Automotive Engineers. So it's everything from OEMs,</p> <p>22 like Honda, Ford, GM to tier three suppliers and</p> <p>23 support consultants like ourselves, and they hold --</p> <p>24 you know, they do a lot of work. They host a lot of</p> <p>25 conferences, including ones on accident</p>	Page 35
<p>1 A. I believe it was five years ago. That was</p> <p>2 a group of adjusters. I don't even remember, again,</p> <p>3 which group.</p> <p>4 Q. Electronic Control Modules, Effective Data</p> <p>5 Retrieval, when have you given that and to whom?</p> <p>6 A. I believe it was a group of adjusters that</p> <p>7 deal with a lot with heavy vehicles. It covered</p> <p>8 again the passenger vehicle and heavy vehicle, but I</p> <p>9 believe it geared more toward heavy vehicle data</p> <p>10 recovery.</p> <p>11 Q. What about use technology and accident</p> <p>12 reconstruction?</p> <p>13 A. Again the audiences varied, but probably</p> <p>14 similar type of groups we've been talking about.</p> <p>15 Q. Same thing with vehicle accident</p> <p>16 reconstruction and biomechanical engineering?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Are these all presentations that are set up</p> <p>19 for you to speak through the marketing efforts of</p> <p>20 SEA?</p> <p>21 A. Typically, yes.</p> <p>22 Q. And all of these presentations were to</p> <p>23 claims adjusters or defense attorney groups that</p> <p>24 you've just -- all of those presentations and course</p> <p>25 teachings; isn't that correct?</p>	Page 34	<p>1 reconstruction that I've attended. Biomechanics</p> <p>2 that I've attended.</p> <p>3 Q. What else do you offer, yourself, as a</p> <p>4 person who can assist in the investigation of other</p> <p>5 than automobile wrecks, like elevator accidents, I</p> <p>6 think, premises liability?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. What types of things are you offered as an</p> <p>9 expert on, Mr. Boggess?</p> <p>10 A. My degrees are mechanical and aerospace</p> <p>11 engineering. And I have consulted on a number of</p> <p>12 mechanical engineering type of cases, whether that</p> <p>13 be simple mechanical failures of some type of</p> <p>14 appliance or HVAC system, plumbing fixture, forklift</p> <p>15 accident, workplace accidents with conveyors. You</p> <p>16 know, all those systems are machines of some type of</p> <p>17 or another that mechanical engineers would be in a</p> <p>18 place to evaluate or consult on.</p> <p>19 Q. What percentage of your work would you say</p> <p>20 has to do with automobile wrecks versus workplace</p> <p>21 accidents, forklift accidents, elevator accidents,</p> <p>22 premises liability cases?</p> <p>23 MR. ROZELSKY: Object to the form.</p> <p>24 THE WITNESS: I've never added it up.</p> <p>25 I mean, I would certainly say that more of it</p>	Page 36

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
37-40

<p>1 than not is accident, vehicle accident related, 2 but if I had to guess -- I haven't added it 3 up. 4 BY MS. MCARTHUR: 5 Q. You don't know is the answer? 6 A. I do not know. 7 MR. ROZELSKY: Object to the form. 8 BY MS. MCARTHUR: 9 Q. So this Federal court query that we're 10 looking that is Plaintiff's Exhibit Number 2, let's 11 start with October 1st, 2013 deposition, tell me 12 what that was about. 13 A. It was a two-vehicle accident in 14 Oklahoma. 15 Q. What's your role in the case? 16 A. It was an accident reconstruction and 17 associate biomechanical evaluation of the 18 accident. 19 Q. Which side retained your services? 20 A. Counsel for the trucking carrier. 21 Q. And as far as how the wreck occurred, can 22 you give me a thumbnail of that? 23 A. Two vehicles making a right turn in a 24 business district. The trailer offtracks and makes 25 sideswipe contact to two vehicles on the inside of</p>	<p>Page 37 1 Construction and/or Blue Max. And the question is 2 whether or not the rock did, in fact, come off the 3 truck as alleged. 4 Q. And what's your role? 5 A. I was retained by counsel for Blue Max in 6 that case. 7 Q. What's your role? 8 A. To evaluate if, in fact, the rock came from 9 the vehicle as alleged or not. 10 Q. Your opinion is it did not? 11 A. Given the dynamics, that's basically my 12 opinion. 13 Q. So that was a defense case as well? 14 A. Yes, ma'am. 15 Q. Tell me about the deposition 9/10/13. 16 A. This is a pseudo, again, vehicle case: 17 Miss Barton is in her vehicle in an automatic car 18 wash, the roller brush snagged the wiper arm of the 19 vehicle she was in causing damage to her vehicle. 20 She has alleged, for one thing, that the vehicle was 21 picked up in the air three feet, swung around, and 22 the question was, from a mechanical standpoint, 23 whether that is physical possible or not given the 24 construction of the equipment; and two, whether or 25 the injuries claimed are consistent with the forces</p>
<p>Page 38 1 the turn, and there was alleged injuries within the 2 passenger vehicle. 3 Q. Was your role to reconstruct the wreck? 4 A. It was. Part of it. 5 Q. Did you say that the trailer came off? 6 A. No. It just offtracked, so the trailer took 7 an -- based on the articulation of the tractor, 8 takes a narrower path than the tractor does. So it 9 moves to the right or takes a tighter radius turn 10 than the tractor. Basically made kind of a 11 sideswiping contact to the passenger vehicle. 12 Q. Is your role in that case to give an 13 opinion whether the injuries claimed were caused by 14 the impact of the wreck? 15 A. That's one of them, yes, ma'am. 16 Q. What else? 17 A. Speeds of vehicles, changes in velocity, 18 accelerations. And then subsequent to that would be 19 the injury potential thereof. 20 Q. Tell me about the 9/16/13 deposition. 21 A. That is a pseudo vehicle accident case. 22 The claim is that Mr. Courtney -- well, Mr. Courtney 23 had a rock come through the windshield of his 24 vehicle. The claim is that it came off of a dump 25 truck being driven by -- or operated by Blythe</p>	<p>Page 40 1 involved. 2 Q. You were retained by Magic Wand? 3 A. Better Car Wash's counsel. 4 Q. That was also a defense case? 5 A. Yes. 6 Q. Tell me about the 8/19/13 deposition. 7 A. A three-vehicle accident on I-85. 8 Mr. Coursey was killed in the accident. The counsel 9 that retained me was counsel for Heartland Express. 10 There's basically an accident reconstruction only in 11 that case assessing the accident, the dynamics of 12 the accident, perceptionary action, human factors 13 issues in regards to that accident. 14 Q. What were the -- and I don't want you to 15 get into anything other than -- what's the mechanic 16 of the accident? 17 A. The tractor trailer in this particular case 18 makes a left lane change to the right, makes contact 19 to the vehicle through its right, they end up 20 yawning into the median jersey barrier. And 21 sometime later Mr. Coursey comes along and drives 22 into the now disabled vehicle at a high rate of 23 speed, and as a result, suffered fatal injuries. 24 Q. And your thumbnail sketch of what you're 25 testifying to in that case is what?</p>

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
41-44

1 A. Essentially that, given the witnesses, the 2 evidence at hand that Mr. Coursey, as I recall, was 3 traveling at an excess rate of speed and executed no 4 perceptionary action prior to the accident, but had 5 every opportunity to have done so. 6 Q. So it's another case where you're 7 testifying as to whether Mr. Coursey could have 8 avoided the wreck? 9 A. That's certainly one aspect, yes, ma'am. 10 Q. Did any of these have anything to do with 11 anyone being on a telephone? 12 A. Not that I recall. 13 Q. On Page 1 of this testimony, do any of 14 these cases have anything to do with anyone being on 15 a telephone? 16 A. Not so far as I can recall on Page 1. 17 Q. Tell me about the deposition August 9th, 18 2013. 19 A. Vehicle versus pedestrian. It is a 26-foot 20 straight truck traveling down a highway at night. 21 There is a pedestrian off the road to the right. As 22 the truck approaches the pedestrian, which is kind 23 of right at the fog line initially, they basically 24 start to go ease over to go around. The pedestrian 25 was highly intoxicated. They stepped out into the	Page 41	1 Q. And a thumbnail of what you're testifying 2 to on that is what? 3 A. That the movement of the forklift did not 4 affect Mr. Cloud's in his off loading, if you will, 5 of the product. Basically, he simply misstepped and 6 fell from the trailer. And from a biomechanical 7 standpoint that the alleged injuries -- or the fall 8 itself lacks the mechanism to cause the injury that 9 he is claiming as a result. 10 Q. Tell me about the trial July 26th, 2013. 11 A. Two-passenger vehicle. Miss Tucker struck 12 Mr. Meece in the rear. Again, sedan versus pickup 13 truck. And it was a reconstruction and a 14 biomechanical evaluation of whether or not the 15 injuries claimed by Mr. Meece were, in fact, a 16 result of the accident or not. 17 Q. You were retained by whom? 18 A. Counsel for the defense. 19 Q. What was the result of that trial? 20 A. Defense verdict. 21 Q. Tell me about 7/16/13 deposition. 22 A. One of the Mr. Stewarts is operating a 23 John Deere tractor with a flatbed of round bails of 24 hay making a left turn. Mr. Spangler is approaching 25 from the opposite direction on a motorcycle. I was	Page 43
1 path of the vehicle almost as if trying to thumb a 2 ride or something and was struck by the vehicle. 3 Q. And your role is what? 4 A. Reconstruction of the accident. What were 5 the speeds of the vehicle. The perceptionary action 6 of the driver, the behavior of the pedestrian, the 7 position of the pedestrian at the time of impact. 8 Q. All right. So you were retained by the 9 defendant? 10 A. In that one, yes, ma'am. 11 Q. What's the next one, the 8/1/ 2013? 12 A. That is a case involving a gentleman, 13 Mr. Cloud, who's unloading a pallet of Quikrete 14 concrete bags at the Handy Andy Store. In the 15 course of doing so, he's using a -- like a car 16 hauling trailer that has basically open floor 17 between two rails. And in the unloading process, he 18 falls from the trailer and reportedly suffers 19 injury. There's questions as to -- or allegations 20 that the operation of the forklift, which was 21 holding the bags of concrete, somehow affected him 22 and caused him to fall as opposed to him just 23 misstepping. 24 Q. What is your role in that case? 25 A. I was retained by counsel for Handy Andy.	Page 42	1 retained by counsel for Mr. Stewart's defense. And 2 essentially at the time the tractor began it's left 3 turn Mr. Spangler would have been over the crest of 4 a hill out of sight -- out of the line of sight of 5 Mr. Stewart, and furthermore, Mr. Spangler's 6 reaction was not -- was highly delayed and he could 7 have given the time and distance and he could have 8 avoided the collision all together. 9 Q. Why was his reaction delayed in your 10 opinion? 11 A. Either inattention. I know that he had 12 been at a biker bar for sometime, admitting to 13 drinking, consuming some amount of alcohol prior. 14 Q. You're not a human factor's expert, are 15 you? 16 A. Certain factors, yes. 17 Q. What factors? 18 A. I mean, certainly with reconstruction the 19 studies that I've done, the research I've done, 20 would be the visual perception field. And, in fact, 21 I published a paper on visual -- 22 Q. Conspicuity? 23 A. That would be -- one aspect would be 24 conspicuity, one is just the visual field of the eye 25 all together, the resolution thereof. And then with	Page 44

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
45-48

<p>1 reconstruction, certainly we have to study the 2 timing of things, how long does it take to perceive 3 a certain type of hazard in a certain type of 4 situation, and then how long does it take to react, 5 you know, and things like steering, braking, 6 accelerating.</p> <p>7 Q. The area of typical reaction of a driver in 8 an emergency situation, is that an area of human 9 factors that you believe that you are qualified as 10 an expert in?</p> <p>11 A. Certainly some aspects of that, yes, 12 ma'am.</p> <p>13 Q. Would you agree with me that Ms. Little was 14 in an emergency situation caused by the truck 15 merging into her lane where she was already in the 16 lane?</p> <p>17 MR. ROZELSKY: Object to the form.</p> <p>18 THE WITNESS: Certainly the lane 19 change of the truck presents a hazard to her 20 that she had to react to.</p> <p>21 BY MS. MCARTHUR:</p> <p>22 Q. And it was an emergency too, wasn't it?</p> <p>23 A. It needed to be reacted to, yes, ma'am. I 24 don't know if I would use the word emergency, but 25 yes.</p>	<p>Page 45</p> <p>1 Instantaneous, you know, some amount of perception 2 reaction. What kind of time are you talking? 3 Q. You agree with me that the situation with 4 Mr. McClure coming over into Ms. Little's lane was 5 an ongoing emergency situation that didn't stop with 6 just one act, correct?</p> <p>7 A. There were certainly multiple phases of the 8 contacts, yes. I mean, it's an ongoing hazard 9 situation, yes.</p> <p>10 Q. It had the ongoing hazard situation created 11 by Mr. McClure merging into Ms. Little's lane while 12 she was there, had the potential for serious injury 13 or death for Ms. Little, didn't it?</p> <p>14 A. It depends on what develops next.</p> <p>15 Q. Do you agree with me that it had the 16 potential for serious injury or death to Ms. Little, 17 Mr. Boggess, when the truck merged into her lane 18 with her vehicle there?</p> <p>19 A. A vehicle merging into another lane on the 20 highway has the potential. In this particular case, 21 we know essentially -- roughly where the vehicle 22 starts from, where it ends up. So it's not a -- for 23 something like this particular one, I would say that 24 we look at the start, the end result, and then 25 assess whether or not death or serious injury is a</p>
<p>1 Q. Why would you not use the word emergency, 2 Mr. Boggess?</p> <p>3 A. Again, it's a hazard. I don't know the 4 exact definition you want to characterize emergency 5 with. I use the word -- she was presented with a 6 hazard, and the question remains as to whether or 7 not she had the opportunity to react to it.</p> <p>8 Q. What's the definition of emergency? What's 9 your definition?</p> <p>10 A. Again, I don't know necessarily have a 11 great definition for it. So I don't -- that's why I 12 don't use the word. She was presented with a hazard 13 and the question remains as to whether or not she 14 executed any reaction to that or what reaction she 15 did have to that hazard.</p> <p>16 Q. Would you agree with me that an emergency 17 is a situation that when you're driving in -- an 18 emergency as applies to your driving, is a situation 19 wherein you must react immediately or else injury to 20 yourself or others might occur. Can you agree that 21 that's a definition of an emergency when driving?</p> <p>22 A. That could be a reasonable definition.</p> <p>23 Again, question is: What's immediately, what kind 24 of time -- I'm an engineer. I put numbers to 25 things. And I guess the question is:</p>	<p>Page 46</p> <p>1 factor or not.</p> <p>2 Q. Are you unwilling to say that when the 3 truck merged into Ms. Little's lane of travel with 4 her vehicle beside it, that that had the potential 5 for injury or death of Ms. Little? You're unwilling 6 to say that?</p> <p>7 A. It has the potential. Again, any lane 8 change has that, has a potential.</p> <p>9 Q. You do agree with me that there is no 10 excuse for Mr. McClure not to see Ms. Little in the 11 lane prior to his merging into the lane on top of 12 her vehicle, is there?</p> <p>13 MR. ROZELSKY: Object to the form.</p> <p>14 THE WITNESS: As evaluated, it seems 15 that Ms. Little was in his blind spot or 16 somewhere along the side and he missed her. 17 So, you know, again, should you see the 18 vehicle? And I say you should, yes.</p> <p>19 BY MS. MCARTHUR:</p> <p>20 Q. As a professional truck driver, Mr. McClure 21 is held to a higher standard of driver safety than 22 passenger car drivers on the road, is he not?</p> <p>23 MR. ROZELSKY: Object to the form.</p> <p>24 THE WITNESS: They certainly have 25 different licensing, yes.</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLURE

October 31, 2013
49-52

<p>1 BY MS. MCARTHUR:</p> <p>2 Q. He certainly is required to abide by</p> <p>3 Federal Motor Carrier regulations, isn't he?</p> <p>4 A. He would, yes.</p> <p>5 Q. Mr. McClure was not allowed to merge into a</p> <p>6 lane that was already occupied by a vehicle in that</p> <p>7 lane, was he?</p> <p>8 A. One should not do that, no.</p> <p>9 Q. Well, Mr. McClure was not allowed to merge</p> <p>10 into the lane where Ms. Little's vehicle already was</p> <p>11 there, correct?</p> <p>12 MR. ROZELSKY: Object to the form.</p> <p>13 THE WITNESS: That would be correct.</p> <p>14 BY MS. MCARTHUR:</p> <p>15 Q. And Mr. McClure -- as you recall, Mr.</p> <p>16 McClure testified even on deposition that when he</p> <p>17 started his merge that Ms. Little was not there, do</p> <p>18 you recall that?</p> <p>19 A. I believe those were his words or very</p> <p>20 similar.</p> <p>21 Q. He was adamant about that, wasn't he, that</p> <p>22 he would not even assume that Ms. Little was there</p> <p>23 when he merged into the lane she was in. Do you</p> <p>24 recall that he would not even assume that fact?</p> <p>25 A. I believe I recall that. Again, he</p>	<p>Page 49</p> <p>1 A. It is, yes.</p> <p>2 Q. That is the first piece that you're willing</p> <p>3 to say for sure hit Ms. Little's car, correct?</p> <p>4 A. That's the most forward portion on his</p> <p>5 vehicle, yes.</p> <p>6 Q. So you agree that that's what hit her car</p> <p>7 first or not?</p> <p>8 A. Yes.</p> <p>9 Q. What part of her car did it hit first?</p> <p>10 A. Given the swirl marks on the steps, it</p> <p>11 would be the wheel of her vehicle.</p> <p>12 Q. The front left wheel?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. So the step --</p> <p>15 A. The rear portion of the step, yes.</p> <p>16 Q. It would be under the passenger door of the</p> <p>17 truck, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And that hit the front tire area of</p> <p>20 Ms. Little's car?</p> <p>21 A. Yes. Given the swirl marks that we see,</p> <p>22 the abrasions in the step, yes.</p> <p>23 Q. That happened while both vehicles were on</p> <p>24 the bridge, didn't it?</p> <p>25 A. Thereabouts, yes, ma'am. Yes.</p>
<p>1 believes that she wasn't there. He missed her.</p> <p>2 Q. Well, he would not even agree that she was</p> <p>3 there. It wasn't even a "he missed her" belief. He</p> <p>4 wouldn't assume it, would he?</p> <p>5 A. Yes. I don't believe he would.</p> <p>6 Q. Okay. But you agree with me, don't you,</p> <p>7 that when Mr. McClure merged into the right lane,</p> <p>8 Ms. Little's vehicle was there beside his truck,</p> <p>9 wasn't it?</p> <p>10 A. Yes, I believe it was.</p> <p>11 Q. In fact, the first part of his truck that</p> <p>12 hit her car was one of the wheels of his cab, wasn't</p> <p>13 it? The truck itself, not the trailer.</p> <p>14 A. I believe it was a portion of his tractor</p> <p>15 is what contacts her, yes.</p> <p>16 Q. And she didn't him, did she? He hit her.</p> <p>17 A. In the act of merging, yes.</p> <p>18 Q. Right. So in which of the -- was it the</p> <p>19 front right wheel instep there that hit</p> <p>20 Miss Little's car first?</p> <p>21 A. I definitely see the evidence of the step</p> <p>22 makes contact to her vehicle. I'm not convinced</p> <p>23 that the steer tire at this point did or did not.</p> <p>24 Q. And the step is up into the passenger</p> <p>25 component of the truck, correct?</p>	<p>Page 50</p> <p>1 Q. And regardless of how it occurred,</p> <p>2 Ms. Little's car became entrapped under the trailer</p> <p>3 of Mr. McClure's truck, didn't it?</p> <p>4 A. Ultimately, it slid rearward along the</p> <p>5 vehicle and became caught at the rear tandems of the</p> <p>6 trailer.</p> <p>7 Q. In fact, it actually slammed with some</p> <p>8 force into the rear tandems of the trailer, didn't</p> <p>9 it, creating a lot of damage to rear of Ms. Little's</p> <p>10 vehicle?</p> <p>11 A. It certainly left rear damage to</p> <p>12 Ms. Little's vehicle as a result of that contact,</p> <p>13 yes.</p> <p>14 Q. At the point that her vehicle slammed into</p> <p>15 the rear of the trailer tires, at that point, her</p> <p>16 vehicle was caught or imprisoned or it was -- how</p> <p>17 would you say it, captured by the trailer</p> <p>18 undercarriage and the wheel there?</p> <p>19 A. It was caught up on the side of the</p> <p>20 trailer.</p> <p>21 Q. At the point that Ms. Little's car was</p> <p>22 captured by the back wheels of the trailer and the</p> <p>23 undercarriage of the trailer, there was no way for</p> <p>24 that vehicle to be steered anymore, correct, by</p> <p>25 Ms. Little?</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
53-56

<p>1 A. At that point, I mean, you can still steer 2 the vehicle. I mean, you can turn the wheel 3 presumably assuming that the steering wheel is not 4 broken. You're not going to be able to steer it and 5 brake because, obviously, you're being caught from 6 the rear. It's a front-wheel drive vehicle, you may 7 be able to get some traction on the front wheels. 8 I'm not sure.</p> <p>9 Q. At that point, Ms. Little's vehicle is 10 being dragged down the road by the truck, is it 11 not?</p> <p>12 A. It would be, yes. Given the -- in this 13 particular accident, yes. Once it got caught up, it 14 was being dragged, yes.</p> <p>15 Q. And the location where the rear of 16 Ms. Little's vehicle slammed into the tires of the 17 trailer, her vehicle and the truck were still on the 18 bridge, weren't they?</p> <p>19 A. They were toward the end of the bridge, but 20 not off the bridge as I recall.</p> <p>21 Q. Was Ms. Little's vehicle still on the 22 bridge at the point where her vehicle was captured 23 by the trailer or not?</p> <p>24 A. As I look back at the evidence, I don't 25 recall as I sit here.</p>	Page 53	<p>1 drawing file that I have, but I don't have the 2 called out number to provide you as we sit here. I 3 know it's on the bridge from the photographs in the 4 drawings.</p> <p>5 Q. You have another file folder of drawings 6 that's not here?</p> <p>7 A. Well, you have my drawing folder, which is 8 just some basic -- is an overhead, but it's not -- I 9 don't have that dimension called out in that drawing 10 and printout. I'd have to go into the file and 11 actually physically measure and call up that 12 dimension if you want me to give you that number.</p> <p>13 Q. How much do you think it is?</p> <p>14 MR. ROZELSKY: Object to the form.</p> <p>15 BY MS. MCARTHUR:</p> <p>16 Q. You can look at the drawing file and see if 17 you give us a descent mechanical engineering 18 estimate.</p> <p>19 A. The drawing that I have here, I'd say it's 20 at least -- it's better than 150 feet. But again, 21 it's not -- that's as best as I can do given the 22 drawing that I have in front of me.</p> <p>23 Q. Tell me what the truck did as far as where 24 it first started pushing the car into the bridge and 25 for how long was it scraping the car alongside of</p>	Page 55
<p>1 Q. Well, do you have something you can look at 2 quickly and make your determination of that? If so, 3 what is it, and let's look at it.</p> <p>4 A. I was going to look at the photographs 5 first from the scene and see what the evidence -- 6 actually, the police photographs.</p> <p>7 MR. ROZELSKY: While he's looking at 8 that, can we take a quick break so I can use 9 the restroom?</p> <p>10 MS. MCARTHUR: Sure. (A break was taken from 11:35 to 11:39.)</p> <p>11 BY MS. MCARTHUR:</p> <p>12 Q. Mr. Boggess, my question was: Didn't 13 Ms. Little's vehicle become captured by the trailer 14 at the back wheels of the truck trailer on the 15 bridge while her vehicle was still on the bridge?</p> <p>16 A. Yes, ma'am, it does appear from the 17 photographs and roadway evidence.</p> <p>18 Q. Tell me what the physical evidence shows as 19 far as how far the truck traveled on the bridge 20 after first striking her vehicle in her lane of 21 travel. What's the distance on the bridge from the 22 point of first impact to the end of the bridge?</p> <p>23 A. I'm not sure I have a drawing with me that 24 would show that distance. I mean, it's in the</p>	Page 54	<p>1 the bridge?</p> <p>2 MR. ROZELSKY: Object to the form.</p> <p>3 THE WITNESS: Using the, I guess, 4 guardrail edge of the bridge to -- on the right 5 side just saying that they're measuring that 6 distance, it's going to be in the neighborhood 7 of 100 feet, it appears, from this drawing, but 8 I'd have to go back and look at the drawing 9 file to be sure.</p> <p>10 BY MS. MCARTHUR:</p> <p>11 Q. So tell me what happened from the -- after 12 the truck first hit the front left wheel of the 13 little vehicle with the step area? I'm not 14 concerned about driver maneuver at all here. What 15 was the interaction of the two vehicles with each 16 other and the bridge?</p> <p>17 MR. ROZELSKY: Object to the form.</p> <p>18 THE WITNESS: There is varied contact 19 along the side of the tractor trailer. So 20 there's initial contact at the step. There's 21 contact damage to the right outer axle to the 22 wheel which was replaced after the accident for 23 repair. And then there's varied marks along 24 the rubber rail or the lower rail, right rail 25 of the enclosed trailer in tow.</p>	Page 56

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
57-60

1 So there's going to be multiple 2 contacts, on/off contacts as the Civic is 3 moving rearward relative to the tractor 4 trailer.	Page 57	1 So at 100 feet, her vehicle was at the back 2 trailer tires and stopped by them, correct?	Page 59
5 Again, once there's initial contact as 6 Ms. Little's indicated, she has -- she drops 7 her phone, she stops -- or she never really, I 8 guess, dynamically reacts to the accident, but 9 she is making her move, as we all know, to get 10 out of the vehicle ultimately.	3 A. Yes. 4 Q. So, for 100 feet her vehicle is not going 5 any further back, is it?		
11 But, you know, she's not putting any 12 inputs in, so, of course, a vehicle without 13 throttle input is going to be slowing. So her 14 vehicle is slowing. The truck is continuing to 15 go by her, and it's going to be sliding -- 16 bouncing down the right side of her vehicle -- 17 or his vehicle, excuse me.	6 A. Not relative to his vehicle, no. 7 Q. So whatever her vehicle was doing from 100 8 feet before the end of the bridge was being dictated 9 by the path of the truck, correct?		
18 BY MS. MCARTHUR:	10 A. It was. 11 Q. The truck was --		
19 Q. The truck is bouncing down the left side of 20 her vehicle?	12 A. Generally speaking. 13 Q. -- even with her trapped there under the 14 undercarriage of its trailer was continuing to make 15 his merge into Ms. Little's lane, wasn't it?		
21 A. She is going to be -- he's going -- given 22 his size and his merge, he's maintaining his merge 23 over because he thinks -- once he gets that contact, 24 he testifies that he thought he got bumped in the 25 rear, so ultimately continues over and then pulls	16 A. To some degree, yes. 17 Q. And further compressing her car into the 18 bridge side, at the bridge -- the side of the bridge 19 wasn't it? That's where -- I mean, that's where the 20 marks -- 100 feet out is where the marks on the side 21 of the bridge show that her car is being scraped		
22 along the side of the bridge, doesn't it? 23 A. Realistically for the last 100 feet, 24 there's not -- his trailer is generally almost all 25 the way over. There may be some slight movements,			
1 off. He's basically maintains his path. 2 Her vehicle without any real input is 3 going to be sitting there kind of bouncing off 4 of his vehicle, off the guardrail, kind of in a 5 back and forth motion as it's working its way 6 down the side of the trailer relative.	Page 58	1 but it's more just the two vehicles moving. And 2 because of the positioning, her vehicle is being 3 pulled and rubbed against the concrete edge, kind of 4 the curb edge of the rail.	Page 60
7 Q. Her vehicle was dragged down the side of 8 the bridge for a distance of a 100 feet or so, 9 wasn't it?	5 Q. Let me ask you to assume that according to 6 Mr. Hunter's testimony that the -- that he and 7 Ms. Little entered from the Spring Street entrance 8 ramp onto I-16, remained in the right lane, and that 9 as they were approaching and coming on to the bridge		
10 A. There are some marks along the bridge over 11 distance in that neighborhood, yes.	10 area that Mr. McClure's truck overtook them and that 11 he -- he passed Mr. Hunter and he overtook 12 Ms. Little, according his testimony, and -- are you 13 getting out his affidavit?		
12 Q. And there's marks on the side of her car 13 that correspond with marks on the bridge from being 14 dragged down the side of the bridge for 100 feet or 15 more, correct?	14 A. His affidavit, yes, ma'am. 15 Q. Right. And that it was at the point where 16 he was passing Ms. Little that he began his merge 17 into her lane. Can you assume that?		
16 A. Again, there's a variation of heavy marks, 17 lighter marks, heavier marks, lighter marks as if 18 it's being kind of bounced around in that space 19 between the side of the trailer and the bridge 20 itself.	18 A. Okay. 19 Q. That's what Mr. Hunter said; isn't it?		
21 Q. So what's your opinion -- was it being -- 22 you know, I think that you told us that her vehicle 23 had been captured by the trailer -- was at the back 24 wheels of the trailer from 100 feet from the end of 25 the bridge. That's what we were just covering.	20 A. Generally. 21 Q. It was Mr. Hunter's impression that 22 Ms. Little was being passed by the truck at the time 23 the truck began to merge into her lane, correct?		
24 A. Again, he says that the truck passed me and 25 then when it was beside the Honda Civic, its right			

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
61-64

<p style="text-align: right;">Page 61</p> <p>1 turn signal was turned on to move into our lane and 2 it proceeded to move over.</p> <p>3 Q. So it was his impression the truck was 4 passing Ms. Little -- it had just passed him and was 5 passing Ms. Little at the time it began to move 6 over, correct?</p> <p>7 MR. ROZELSKY: Object to the form.</p> <p>8 BY MS. MCARTHUR:</p> <p>9 Q. Into Ms. Little's lane.</p> <p>10 A. I don't know if it was continuing to pass, 11 but it had moved up along the certainly.</p> <p>12 Q. Having just passed Mr. Hunter and with 13 Ms. Little, do you agree that Ms. Little was 14 directly ahead of Mr. Hunter in the lane of 15 travel?</p> <p>16 A. It would seem that way, yes.</p> <p>17 Q. And having just passed Mr. Hunter and with 18 Ms. Little being the next car ahead of Mr. Hunter, 19 there's no excuse at all for Mr. McClure not knowing 20 that Ms. Little's vehicle was there in the right 21 lane, was there?</p> <p>22 A. It depends on all the timing. Again, he 23 should be able to see -- or should see a vehicle 24 beside him. I mean, we've talked about that. I 25 mean, there are reasons as you back up to the merge</p>	<p style="text-align: right;">Page 63</p> <p>1 MR. ROZELSKY: Object to the form.</p> <p>2 THE WITNESS: Yes, it would have to.</p> <p>3 BY MS. MCARTHUR:</p> <p>4 Q. All right. So assuming that that's 5 Mr. Hunter's testimony, Ms. Little would have been 6 in plain view for Mr. McClure to see as he was 7 overtaking Mr. Hunter, wouldn't she?</p> <p>8 A. She would have been forward of the Charger, 9 which she was in, and to his right.</p> <p>10 Q. Ms. Little was not in his blind spot at all 11 as Mr. McClure was passing Mr. Hunter, was she?</p> <p>12 A. The placement articulated from this 13 affidavit is not 100 percent clear. Again, when is 14 he saying he's on I-16? Is it on the ramp when the 15 ramp was still merging in? How far over was the 16 Civic and the Charger at the time? Was it 17 immediately beside? Was there some distance between 18 them as they're coming together? I don't know.</p> <p>19 Q. Mr. Boggess, this says: "After we were on 20 I-16, the tractor trailer was traveling faster than 21 we were and overtook us in the left lane of I-16 22 beside us." He's not talking about the ramp. He's 23 on I-16, and the truck overtook them traveling 24 faster than they were beside them. Did he not say 25 that in his affidavit?</p>
<p style="text-align: right;">Page 62</p> <p>1 and the gore point for the on ramp as to why he may 2 have missed her, but, I mean, ultimately, she was 3 beside him when he started merging over.</p> <p>4 Q. Well, I mean, the fact is that as he was 5 coming up beside Mr. Hunter and coming up beside -- 6 I mean, the testimony of Mr. Hunter is the truck 7 came up beside him and then went up beside 8 Ms. Hunter, not that he and Ms. Little came up 9 beside the truck, correct? That's what Mr. Hunter 10 says, that the truck came up beside them, passing 11 them in the last lane, correct?</p> <p>12 MR. ROZELSKY: Object to the form.</p> <p>13 THE WITNESS: He indicates that they 14 came in the right lane and the truck passed 15 him. As far as -- we know that the on ramp has 16 to merge into a parallel lane to the right of 17 them.</p> <p>18 BY MS. MCARTHUR:</p> <p>19 Q. He says after we were on I-16, a tractor 20 trailer was traveling faster than we were and 21 overtook us in the left of I-16 beside it. The 22 truck passed me and then, when it was beside the 23 Honda Civic -- so that's his testimony is. The 24 truck overtook him and then overtook Ms. Little, 25 correct?</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. ROZELSKY: Object to the form.</p> <p>2 THE WITNESS: Those are basically the 3 words, yes.</p> <p>4 BY MS. MCARTHUR:</p> <p>5 Q. Right. And the truck then passed him, 6 correct?</p> <p>7 A. He said: "The truck passed me."</p> <p>8 Q. All right. So at the point where the truck 9 is passing Mr. Hunter, Ms. Little is in plain view 10 of the truck, isn't she?</p> <p>11 MR. ROZELSKY: Object to the form.</p> <p>12 THE WITNESS: If they're already on 13 I-16 established in the lane, then yes. If 14 we're back in the merged area -- and the 15 question is, what is on I-16? Is it when he 16 turns onto the ramp? Is he halfway down the 17 ramp? Is he at the gore point? It's not 18 clear.</p> <p>19 BY MS. MCARTHUR:</p> <p>20 Q. He said he's on I-16. He doesn't say he's 21 on the ramp, doesn't he?</p> <p>22 A. He says on I-16. The ramp is - I mean, the 23 ramp itself, as I understand, is controlled by the 24 same highway and it would be part of I-16. It 25 doesn't put an X on the spot, so...</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
65-68

<p>Page 65</p> <p>1 Q. What he describes is the truck overtaking 2 them and being beside him as he's being overtaken, 3 correct?</p> <p>4 A. He says beside, yes. Doesn't say how far 5 beside, but beside, yes.</p> <p>6 Q. And the truck is going faster than he is 7 according his testimony, correct?</p> <p>8 A. At that time, yes. But both the Civic and 9 the Charger are merging in, so -- and they're going 10 to be accelerating down the on ramp, so, again, 11 maybe they caught up to him and they matched speeds 12 by the time this happens. I'm not sure.</p> <p>13 Q. That's not what Mr. Hunter says, is it?</p> <p>14 That's just what you're supposing, isn't it?</p> <p>15 A. He says the truck passed him, and then when 16 it was beside the Honda, its right turn signal was 17 on. It's never articulated as to, was the truck 18 continually passing the Civic and to what degree?</p> <p>19 Q. He says: "I was traveling at about 50 or 20 55 miles an hour, a safe distance behind the Honda 21 Civic. After we were on I-16, a tractor trailer was 22 traveling faster than we were and overtook us in the 23 left lane of I-16 beside us. The truck passed me 24 and then when it was beside the Honda Civic, its 25 right signal was turned to move into our lane and</p>	<p>Page 67</p> <p>1 Mr. Hunter and Ms. Little's vehicle from the rear?</p> <p>2 A. Can you restate that, please?</p> <p>3 Q. Can you agree with me that Ms. Little's 4 vehicle was in plain view of Mr. McClure as he was a 5 approaching Mr. Hunter's vehicle from the rear to 6 pass Mr. Hunter?</p> <p>7 A. She would have been at some position 8 pulling to the right, yes. He could have reasonably 9 seen the Civic.</p> <p>10 Q. And he should have seen her since he was 11 intending to do merge into that lane, shouldn't 12 he?</p> <p>13 A. At some point, he should have seen the 14 Civic which was beside him at the time he merged, 15 yes.</p> <p>16 Q. He should have seen Ms. Little's vehicle as 17 he was coming up on her, according to Mr. Hunter's 18 testimony, as he did, that he was coming up beside 19 her. She didn't come up beside him, according 20 Mr. Hunter, did she?</p> <p>21 MR. ROZELSKY: Object to the form of 22 the question.</p> <p>23 THE WITNESS: Not according 24 Mr. Hunter.</p> <p>25 BY MS. MCARTHUR:</p>
<p>Page 66</p> <p>1 proceeded to move over." That's what he said, isn't 2 it?</p> <p>3 A. Yes. You just read the affidavit, yes, 4 ma'am.</p> <p>5 Q. So there was no obstruction to 6 Mr. McClure's view of Ms. Little's vehicle that you 7 know of, was there?</p> <p>8 A. Other than what his mirrors can or can't 9 show, no.</p> <p>10 Q. Other than what?</p> <p>11 A. What his mirrors and/or his vehicle 12 obstruction would offer, no.</p> <p>13 Q. I mean, he's looking out his windshield as 14 he's passing Mr. Hunter's vehicle, and Ms. Little 15 was ahead of Mr. Hunter, so she would have been in 16 plain view the right lane, would she not?</p> <p>17 A. At some point, I mean, according to this, 18 he came up and would have moved passed them. So at 19 some point he could have looked over to the right. 20 Again, it would have been back on the ramp with some 21 separation. It would have been right there in the 22 immediate lane. I don't know. But she would have 23 over there and could have been seen.</p> <p>24 Q. Will you agree with me that Ms. Little was 25 in plain view of Mr. McClure as he was approaching</p>	<p>Page 68</p> <p>1 Q. Do you dispute Mr. Hunter's testimony?</p> <p>2 A. There's questions in terms -- as we were 3 just talking about clarifying some point, but I 4 don't dispute it, per se.</p> <p>5 Q. I mean, do you find the physical evidence 6 to be different from what Mr. Hunter said? I mean, 7 do you think his rendition of the facts is 8 incorrect? Are you going to testify that he's 9 wrong?</p> <p>10 MR. ROZELSKY: Object to the form of 11 the question.</p> <p>12 THE WITNESS: I don't believe I find 13 anything wrong with his testimony. There are 14 some gaps and some clarification that is not in 15 here.</p> <p>16 BY MS. MCARTHUR:</p> <p>17 Q. Tell me the things you need to know from 18 Mr. Hunter.</p> <p>19 A. Again, as we've just talked about: Was he 20 established in his lane? Where was he relative to 21 the Gore Point, the bridge when this supposedly 22 transpired? Was it at the merge -- were they still 23 in the process of merging? Were they already 24 established? Was it only three lanes at this point? 25 Those types of variables.</p>

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
69-72

<p>1 Q. So it's clear from Mr. Hunter, Ms. Little 2 did not come from behind and overtake the truck. 3 A. He certainly does not say that, no. 4 Q. And you don't have the opinion that 5 Ms. Little came from behind and overtook the truck, 6 do you? 7 A. Not in the manner of, you know, zipping in 8 and out of traffic and rapidly accelerating up. We 9 know that from Mr. Hunter's testimony and 10 Ms. Little's testimony that -- Ms. Little's 11 testifies that she's alongside the trailer, and we 12 know -- at the time that he starts to merge, and 13 furthermore that the first contact point was closer 14 up to the tractor. So for some amount of time 15 during the merge, there is a differential speed 16 whereas the Civic has to catch up relative to the 17 truck to some degree. 18 Q. What do you mean when you say "catch up?" 19 A. Well, their relative positions have to 20 shift so that the Honda comes further forward 21 relative to the tractor trailer, the side of the 22 tractor trailer. 23 Q. Why is that? 24 A. Well, for one, again, Mr. Hunter places the 25 two vehicles beside each other. "The truck passed</p>	Page 69	<p>1 along truck, I think it was there. She was very 2 clear, in my opinion, in her testimony as to what 3 she saw. 4 Q. Well, she may have been, but you understand 5 about witness memory and wrecks, that witnesses and 6 individuals in wrecks are wrong all the time about 7 where they saw what and what happened, aren't 8 they? 9 MR. ROZELSKY: Object to the form. 10 THE WITNESS: Sometimes distance 11 things would be difficult, but again, once that 12 initial contact which we've discussed was at 13 the front of the tractor, that -- once that 14 transpires, it's no longer the truck is 15 merging. It's already hitting you. 16 BY MS. MCARTHUR: 17 Q. Right. 18 A. It's pretty clear to me that she says, "I 19 saw the turn signal come on, which is that big 20 flashing beacon on the side of the trailer, and she 21 was very clear as to what she was looking at. Once 22 she's been hit and then sliding -- she hits the left 23 side of the cab, the drive wheel had been sliding 24 down along the side of the trailer, then the -- you 25 know, her recollection of seeing certain spots on</p>	Page 71
<p>1 me when it was beside the Civic. His right turn 2 signals was turned on and started to move over." So 3 they are together. They're beside each other when 4 the merge begins. 5 Ms. Little is very clear in her testimony 6 referring to the rectangle marker light on the side 7 of the trailer that she's looking at this turn 8 signal that gets activated. 9 If that's the case, she sees that and then 10 it starts to merge, and we know the contact is 11 further up on the vehicle, either she has to have 12 more speed and kind of catch up or move past him in 13 the process of the merge, the truck has to slow 14 whether that be letting off the gas or some 15 combination thereof. 16 Q. Or it could be that she was wrong as to 17 when she first perceived him coming into her lane as 18 far as where she was on the road, correct? 19 MR. ROZELSKY: Object to the form. 20 BY MS. MCARTHUR: 21 Q. I mean, that's an optical -- 22 A. I think she makes it pretty clear in her 23 testimony that she sees and even clarifies the big 24 rectangular marker like flashing right beside her. 25 That's what she saw. It's not, I was somewhere</p>	Page 70	<p>1 the trailer is probably over and she's already doing 2 other things within her vehicle, making the decision 3 to get out, to jump as, she did, or other things. 4 Furthermore, as her vehicle slides by the 5 vehicle, that turn signal is taken out, so the very 6 turn signal that she very vividly recalls as having 7 been flashing. 8 Q. Mr. Boggess, Mr. Hunter never indicated 9 that either he or Ms. Little sped up, did he? 10 MR. ROZELSKY: Object to the form. 11 THE WITNESS: Neither one did, no. 12 BY MS. MCARTHUR: 13 Q. Right. Ms. Little said she didn't speed 14 up, didn't she? 15 A. She did not change her behavior. Did not 16 try to accelerate out from underneath, no, or brake 17 or steer. 18 Q. Mr. Hunter's description of what happened 19 is the truck was -- overtook him and then overtook 20 Ms. Little and then merged into her, isn't that 21 exactly what he said? 22 MR. ROZELSKY: Object to the form. 23 THE WITNESS: No, that's not exactly 24 what he said. We read it several times. He 25 said it passed her -- or passed him. The truck</p>	Page 72

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
73-76

<p>1 passed the Charger that Mr. Hunter was in. And 2 then when it was beside the Civic, its right 3 turn signal was turned on to move into our 4 lane. 5 BY MS. MCARTHUR: 6 Q. Right. So the indication from Mr. Hunter 7 is that the truck was continuing to move faster than 8 he and Mr. Little were, correct -- and Ms. Little 9 were, correct? That's what he says. 10 A. It said it passed him, and then when it was 11 beside the Civic, his right turn signal was turned 12 on to move in. It doesn't say that it's continually 13 moving past, it's braking, slowing or otherwise. 14 I mean, at this point, he's coming off the 15 ramp. He's going to be making turn. Has he let off 16 the throttle and has a dragging -- you know, the 17 rolling resistance dragging is slowing him slightly, 18 don't know. Is Ms. Little continuously accelerating 19 as she is now shortly off the on ramp and just kind 20 of getting to speed, it's unknown. 21 We know that from her testimony that she 22 was looking at the turn signal of the trailer. 23 She's abreast of the trailer when he starts to 24 merge, and we know where the contact is at the 25 forward part of the tractor.</p>	<p>Page 73 1 is he? 2 MR. ROZELSKY: Object to the form. 3 THE WITNESS: No more than any vehicle 4 is allowed to merge into another. 5 BY MS. MCARTHUR: 6 Q. And he merged right into a lane where 7 another vehicle was and merged right on top of that 8 vehicle, didn't he? 9 A. He merged into the side -- seemly merged 10 into the side of the Civic, yes. 11 Q. And then he continued his merge and dragged 12 that vehicle some 735 feet, didn't he? 13 A. He drug it for some distance, yes. 14 Q. Have you attempted to put a speed on him to 15 the point where he's dragging that vehicle to get to 16 that kind of stop? 17 A. He's testified that he wasn't in a panic 18 maneuver. He thought he had been contacted in the 19 rear and was trying to get over the shoulder. He 20 certainly does not know that she's hung up under the 21 wheels -- or the Civic is hung up under the wheels 22 of his vehicle. 23 Q. How do you know that? 24 A. In the testimony -- well, from his 25 testimony, his reaction. I mean, I think if he knew</p>
<p>1 Q. You're really hanging your hat on the turn 2 signal, aren't you, as far as to say she was going 3 faster than the truck? 4 MR. ROZELSKY: Object to the form. 5 THE WITNESS: For some short time that 6 certainly factors in. I mean, the Civic -- 7 Mr. Hunter places them alongside each other. 8 He doesn't articulate exactly the relative 9 positions. 10 BY MS. MCARTHUR: 11 Q. Mr. Boggess, this wreck was not 12 Ms. Little's fault, was it? 13 MR. ROZELSKY: Object to the form. 14 BY MS. MCARTHUR: 15 Q. It wasn't, was it? 16 A. It wasn't necessarily initiated by her. 17 She certainly could have done things to avoid it, as 18 I outline in my report. 19 Q. Well, this wreck was caused because 20 Mr. McClure merged into the right lane where 21 Ms. Little's vehicle already was, correct? 22 A. As I said, it was initiated by that, yes. 23 Q. And Mr. McClure is not allowed to merge 24 into a lane where a car is already there, is he, by 25 the rules of the road and by general driver safety,</p>	<p>Page 74 1 that there was a vehicle caught underneath him, I 2 think you're going to stop fairly quickly and not 3 continue to drag a vehicle. 4 But that aside, I mean in terms of the 5 speed, Mr. Hunter says he was traveling 50 to 55 and 6 the truck moved past him. No one -- no evidence 7 that I've seen from any of the witnesses, any of the 8 drivers have said that the tractor trailer was 9 moving at some aggressive speed past. There was 10 some relative movements of the vehicles. 11 Q. Mr. Hunter said 60 to 65. Assuming that 12 the summary attached -- that the truck is going 60 13 or 65 miles per hour -- 14 MR. ROZELSKY: I'm going to object, 15 first of all, to the fact that you're going 16 back and forth between an affidavit where 17 you're referring to his testimony. 18 If you're summary to a summary of a 19 statement and you want to tell the witness that 20 you got a summary that he's not been provided, 21 then let him know where you think that 22 testimony comes from, please. 23 BY MS. MCARTHUR: 24 Q. Let me ask you to assume that Mr. Hunter 25 will say that the truck was going 60 to 65 as he</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
77-80

	Page 77		Page 79
1	passed him and Ms. Little?	1	direction. Miss Cook's vehicle, right side wheels
2	A. Okay. I can assume that.	2	went off the edge of the pavement which had a
3	Q. Is there any inconsistent with that in the	3	excessively high -- I believe an eight- or nine-inch
4	physical evidence that you've seen?	4	edge drop. When she tried to reenter the road lost
5	A. I mean, again, it would be -- it's a number	5	control of the vehicle, the tractor crossed the road
6	and it's an estimate. I mean, as we just talked	6	and went head to head with Mr. Nicols vehicle
7	about. People's --	7	resulting in fatal injuries. The United States was
8	Q. The question was: Is there anything	8	brought in as a third party because they were -- it
9	inconsistent with that estimated speed of 60 to 65	9	was a military roadway and they were responsible for
10	of the truck based on the physical evidence?	10	maintaining that roadway which had an excessive edge
11	MR. ROZELSKY: Object to the form.	11	drop.
12	THE WITNESS: Given the physical and	12	Q. And your role was to say what?
13	the witness evidence, yes. Because given the	13	A. Reconstruct the accident, the speeds,
14	position of Ms. Little's vehicle along the side	14	timings of the vehicles, as well as assess the
15	of the trailer and the ultimate point of	15	affect of the edge drop leading to the out of
16	contact that would then suggest that the Civic	16	control of the vehicle, and also the vehicle
17	has to be going even hire to get up to the	17	dynamics itself. The vehicle as constructed had
18	position of initial contact.	18	issues with its center of gravity and roll
19	Q. Well, that's if it is correct what	19	tendency.
20	Ms. Little said about where it was when the struck	20	Q. Which vehicle?
21	came over and hit her vehicle, correct?	21	A. The van operated by Del Cook.
22	MR. ROZELSKY: Object to the form.	22	Q. Okay. So you were defending the Del Cook
23	THE WITNESS: So using your assumption	23	van?
24	and the -- I am, I guess, assuming that your	24	A. Yes, essentially.
25	client, Miss Little, does in fact recall the	25	Q. What about the 4/5/2013 deposition?
	Page 78		Page 80
1	accident. But, again, she was very vivid that	1	A. As I recall that is a passenger vehicle
2	she's looking at that light. She sees that	2	versus a bicyclist accident. The differential --
3	light. She's abreast of the trailer.	3	Mr. Wilke was struck by the pick-up truck operated
4	Mr. Hunter places the vehicles beside	4	by the employee, I believe, of Douglas Electric. I
5	one another, so I think it's certainly	5	was hired by counsel for Douglas Electric.
6	reasonable to conclude that they were beside	6	Mr. Wilke contends that he was traveling on the
7	each other.	7	right side of the roadway when the truck came up
8	BY MS. MCARTHUR:	8	from behind him and struck him. Douglas Electric
9	Q. I didn't ask that.	9	contends that the bicyclist crossed over the roadway
10	A. Okay. Would you like to reask the question	10	in front of his vehicle and basically pulled out in
11	and I'll do my best to answer. I thought I was	11	front of him in his truck. The evidence suggested
12	answering your question.	12	that the vehicle was moving from right to left
13	Q. I'll tell you what, let's go on and go	13	laterally across the path, and furthermore Mr. Wilke
14	through these depositions some more.	14	was -- I believe had been consuming alcohol.
15	A. Okay.	15	There's question of what was his alcohol impairment.
16	Q. Let's go to the June 17, 2013 deposition.	16	He had very significant lower extremity injury, and
17	You know what I want to know when I ask you these:	17	basically was taken home, as he testified, laid on
18	I want to know what your role was, who retained you	18	his kitchen floor for the next 36 hours without
19	and a thumbnail what you said.	19	seeking medical attention.
20	A. Okay. The Nicol v. Del Cook, et al. vs.	20	Q. All right. What's the next one, the
21	The United States, it is a three-vehicle accident.	21	3/15/13 deposition?
22	The van is going one direction, which is outfitted	22	A. I believe that is a three-vehicle chain
23	for the military, a military contractor operated by	23	reaction accident. Mr. Witt was in the -- I'm
24	Ms. Del Cool, whose counsel retained myself, or SEA.	24	sorry, in the middle vehicle of three, Rowland
25	The Nicol vehicle was traveling in the opposite	25	Transport. Contacted the rear of Mr. Wood's

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
81-84

	Page 81		Page 83
1	vehicle, propelling forward into the forward	1	pre-sunrise accident. Mr. Boyd reportedly stepped
2	vehicle. It was an accident reconstruction and	2	off and tried to cross on a dark unlit highway. The
3	biomechanics as to the alleged injuries of Mr. Witt.	3	vehicle operated by George Power struck and killed
4	Q. Retained by Rowland Transportation?	4	Mr. Boyd. Questions in that case were contribution
5	A. Counsel for, yes.	5	issues, which I was not in, but I did the
6	Q. 3/7/13?	6	biomechanics, so how was Mr. Boyd positioned, where
7	A. This was actually a plumbing related	7	was he, and then given variations in perception
8	matter.	8	reaction, and speed other variables because he we
9	Q. Plumbing?	9	had the ECM data from the George Power vehicle
10	A. Plumbing. There was a -- I'm trying to	10	assessing the dynamics of the vehicle. Would speed
11	think. I think it was an expansion tank on a water	11	have changed anything with regards to the accident
12	heater that failed on the fourth floor of the	12	or not.
13	medical plaza that caused flooding or damage. It	13	Q. Okay. Let's go to Page 2?
14	was a mechanical evaluation on the plumbing	14	A. Okay.
15	system.	15	Q. Tell me about the 1/3/13 deposition.
16	Q. And on whose behalf?	16	A. Two-vehicle accident. The Collum's Lumber
17	A. The general contractor.	17	truck is forward of Brabham vehicle. The Collum's
18	Q. Which? Is that McDonald?	18	Lumber truck was attempting to back up and made
19	A. Them or one of the other et. al.s, defense,	19	contact to the Brabham vehicle. I was retained by
20	yes.	20	counsel for Collum's Lumber in accident
21	Q. Okay. 3/4/13?	21	reconstruction and biomechanics relative to alleged
22	A. As I recall two-vehicle impact. Hired by	22	injuries.
23	defense. Accident reconstruction, biomechanics as	23	Q. Okay. Tell me about December 10, 2012.
24	to the alleged injuries.	24	A. Retained by counsel for Biltmore Forest
25	Q. Perception reaction time involved at all?	25	Club. There was an employee who had left work. A
	Page 82		Page 84
1	A. Not that I recall.	1	personal vehicle pulls out of a parking lot, is
2	Q. Tell me about the trial 2/14/13.	2	struck in the side by a bicyclist, Mr. Smith. The
3	A. Two-vehicle rear impact Miss Vasquez was	3	questions in that case were speeds of both -- or
4	operating a SUV, employee of Advanced Stores, which	4	realistically the speed both vehicles, specifically
5	counsel retained me for them, had made contact to	5	the bicyclist. Was on a downhill. There was video
6	the rear of her vehicle. Accident reconstruction	6	surveillance, there was video analysis, it was
7	and biomechanics as to the alleged injuries.	7	perception reaction, it was speed related issues.
8	Q. Your opinion was that the injuries were not	8	Q. Tell me about the 11/27/2012 deposition.
9	caused by the wreck?	9	A. Two-vehicle nighttime accident. The Dean's
10	A. Generally speaking, yes.	10	vehicle is making a left turn from a turn lane into
11	Q. Tell me about the 1/31/13 deposition?	11	a drive. Miss Mosley is coming up in the right
12	A. I'm going to have to go back and say that	12	adjacent lane, ends up -- as the Dean's vehicle is
13	the case I told you about, McGomery Mutual vs.	13	making a left. I was hired by their counsel. She
14	McDonald York, the description I gave you was	14	clips the rear end of the trailer in tow in the
15	actually that case. I was hired by counsel for	15	course of its turning and suffered fatal injuries.
16	Shelco on that case.	16	Q. You were retained by Dean's?
17	Q. Okay.	17	A. I was.
18	A. Going back up to 3/7, I don't recall the	18	Q. I know about the Middlebrooks case.
19	specifics of that case.	19	A. Yes, ma'am.
20	Q. Okay.	20	Q. What about the 10/17/12?
21	A. Obviously, because I crossed them off.	21	A. I remember the name of the case, but I
22	Q. Tell me about 1/16/13?	22	don't remember the specifics of it.
23	A. Counsel for George Power retained me. It	23	Q. Do you know which part of your testimony
24	was a passenger vehicle versus a pedestrian. It was	24	was retained for?
25	I believe an early morning 6:00 a.m., certainly	25	A. I believe counsel for Fairfield Trucking.

BRIAN BOGESS, SEA
LITTLE vs. McCLURE

October 31, 2013
85-88

<p>1 Q. What about the Stephens vs. KAM Trucking 2 case?</p> <p>3 A. I would say again I don't recall the 4 specifics. I believe I was retained by counsel for 5 the KAM Trucking.</p> <p>6 Q. Blakemore vs. Estes Express Lines?</p> <p>7 A. Retained by counsel for Estes Express 8 Lines. It was a -- Blakemore was operating a 9 commercial vehicle. Rear impacted the rear of the 10 Estes vehicle, as I recall. So it was an accident 11 reconstruction in that particular case.</p> <p>12 Q. Tell me about the Franklin vs. Perry and 13 Mitchell.</p> <p>14 A. I don't recall the specifics as we sit 15 here.</p> <p>16 Q. Do you know which party you were retained 17 by?</p> <p>18 A. I do not.</p> <p>19 Q. Tell me about Campbell v. Arch Aluminum & 20 Glass?</p> <p>21 A. Work place accident. Miss Campbell was 22 aiding co-workers and unloading a crate of large 23 glass panels. They were using a cart to kind of 24 role them into the facility. The cart overturned 25 and caused crushing injuries to her. The questions</p>	Page 85	<p>1 in line. Gotthold Jordan was getting on the highway 2 with a load that had shifted on the on ramp -- or 3 shortly after loading before he got to the on ramp, 4 as I recall. The load was hanging off the side. He 5 decided to still enter the highway. The Velez 6 vehicle was following the Van Hoose vehicle on to 7 the highway, and then -- I'm sorry the Gotthold 8 Jordan vehicle on to the highway. And then the Van 9 Hoose vehicle came along rear impacting Velez 10 shoving him into Gotthold Jordan. Mr. Van Hoose 11 sustained injury. So that's the general on that 12 case.</p> <p>13 Q. So the Velez was a defendant in the first 14 case there?</p> <p>15 A. Yes, and a plaintiff in the second one.</p> <p>16 Q. And your testimony was that the wreck was 17 caused by whom?</p> <p>18 A. The Gotthold Jordan -- the on ramp was over 19 three-tenths of a mile, as I recall, and it's on a 20 downgrade so you had clear visibility of the 21 vehicles coming in which were obviously slower than 22 highway speeds as they're merging in, so my 23 testimony was that Mr. Van Hoose essentially had 24 ample time for perception reaction to the accident. 25 Gotthold Jordan had an improper load securement,</p>	Page 87
<p>1 were -- I testified about the -- the defense party 2 that I was retained by had the delivered the 3 product, and then the work site was using their own 4 carts to transport it, so the question is whether or 5 not the load had technically been delivered and 6 still under the control of delivering company, and 7 also the appropriateness of the cart. The cart was 8 custom by them. Not by the delivery company, but my 9 the employer of Miss Campbell and was very unstable 10 given the loads they were using.</p> <p>11 Q. So you were defending the company that 12 delivered the material?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. What about Anderson vs. Littlefield?</p> <p>15 A. I do not recall the specifics on that one.</p> <p>16 Q. Do you not recall which party you were 17 retained by?</p> <p>18 A. I do not, no, ma'am.</p> <p>19 Q. Tell me about Van Hosse v. Gotthold Jordan.</p> <p>20 A. Gotthold Jordan, yes, ma'am. The next two 21 are the same case. I was retained by counsel for 22 Velez, which is the plaintiff in the second case 23 there. And it would have been a co-defendant in the 24 first one, with Gotthold Jordan. It was three 25 commercial vehicles, Van Hoose was the third vehicle</p>	Page 86	<p>1 should not have attempted to enter the highway, and 2 further that Mr. Van Hoose was not wearing his seat 3 belt at the time of the accident and that was a 4 direct cause of the injury that he -- the biggest 5 injury that he sustained, which was that he struck 6 his face in the interior of the cab blinding himself 7 in one eye.</p> <p>8 Q. Were you initially retained -- is Velez a 9 person's name or is that a company?</p> <p>10 A. I believe it was a name.</p> <p>11 Q. Were you retained to defend the Van Hoose 12 case first?</p> <p>13 A. I believe I was retained sometime in 2011 14 after both were pending. So all of them were going 15 on, I think, at the time I brought into the case.</p> <p>16 Q. Tell me about Warnick vs. Marriott?</p> <p>17 A. Premises liability to Marriott Hotel. I 18 was working for counsel on behalf of Marriott 19 Hotels. Mr. Warnick claimed to have sustained a 20 personal injury while on the premises of Marriott 21 property.</p> <p>22 Q. Okay. What about Sparks v. Jason Groves?</p> <p>23 A. Counsel for Mr. Sparks, as plaintiff. He 24 was rear impacted by Mr. Groves' vehicle and 25 sustained injury as a result. I testified that</p>	Page 88

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
89-92

<p style="text-align: right;">Page 89</p> <p>1 Mr. Groves did not execute proper perception 2 reaction in that particular and should have not 3 struck Mr. Sparks as he did.</p> <p>4 Q. What type of maneuver was it?</p> <p>5 A. Straight line braking.</p> <p>6 Q. Straight line braking?</p> <p>7 A. Should have braked and did not.</p> <p>8 Q. So is it a perception reaction case?</p> <p>9 A. It was. It was certainly one aspect of 10 it.</p> <p>11 Q. What was the result of that trial?</p> <p>12 A. It was contributory negligence on both 13 parts. I don't remember the split.</p> <p>14 Q. Tell me about Owens.</p> <p>15 A. The next four are the same deposition. It 16 was multiple plaintiffs Owens, Grady and Knott 17 against a boat manufacturer and Marine East as a 18 supplier of parts. I was retained by counsel for 19 Marine East.</p> <p>20 Q. Did you say it was a fire?</p> <p>21 A. No. It was a boat that the plaintiffs 22 sustained personal injury on the boats.</p> <p>23 Q. It was a boat accident?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 91</p> <p>1 design of the equipment itself and the 2 appropriateness or applicability of safety 3 standards.</p> <p>4 Q. Okay. Tell me about Kaylor.</p> <p>5 A. That was a property case. Mr. Kaylor, as I 6 recall, had filed charges -- or filed suit against 7 Mr. Chrisco. It was over -- I believe Mr. Chrisco 8 had done some engine work for a performance vehicle 9 of his. Mr. Kaylor subsequently blew up that engine 10 in use and said that there was defects with regards 11 to the engine construction by Mr. Chrisco.</p> <p>12 Q. Whose side were you on?</p> <p>13 A. I was hired by counsel for Mr. Chrisco.</p> <p>14 Q. Tell me about the Bowerman Case.</p> <p>15 A. This is a case Miss Bowerman pulled out 16 from a stop sign crossing over a roadway -- I'm 17 sorry. I'll back that up.</p> <p>18 Mr. Bowerman was driving down a roadway 19 when a vehicle from her left had pulled out from the 20 stop sign and struck her in the side and killed her.</p> <p>21 The vehicle was technically owned by Crawford 22 Roofing. It was actually the daughter of the owner 23 that was driving the vehicle. And there was 24 perception reaction questions. There was 25 allegations that the driver was on her cell phone.</p>
<p style="text-align: right;">Page 90</p> <p>1 A. As due to an alleged product issue with one 2 of the parts on the boat.</p> <p>3 Q. Okay. Rose Acre Farms?</p> <p>4 A. That is a HVAC case, H-V-A-C. There was 5 pneumonia leak at the Rose Acre Farms. I was hired 6 for counsel for Rose Acre Farms. There was a 7 pneumonia cooling system put in by Vilter, or 8 supplied by Vilter and caused a leak and damage to a 9 large amount of the product.</p> <p>10 Q. It's a property damage case?</p> <p>11 A. It was.</p> <p>12 Q. All right. Butler v. Oerlikon?</p> <p>13 A. Backing up there, I think there was some 14 minor exposure injuries, but I think the primary 15 focus of that was property damage.</p> <p>16 Q. Okay.</p> <p>17 A. Butler v. Oerlikon, as you just asked, that 18 was -- I was hired by counsel for Oerlikon, Neumag. 19 It was a workplace accident. Miss Butler suffered 20 fatal injuries with a piece of equipment. Oerlikon, 21 I guess, supplied this particular equipment or it 22 had been purchased from them some 40 or 45 years 23 prior and there was questions with regards to the 24 manner in which the accident happened, so I was 25 using biomechanics for that and then the mechanical</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Which one?</p> <p>2 A. The driver. Not Miss Bowerman, the --</p> <p>3 Q. The Crawford Roofing daughter?</p> <p>4 A. Yes. Her name escapes me.</p> <p>5 Q. You were retained by?</p> <p>6 A. Counsel for defense.</p> <p>7 Q. Did you testify about cell phone use in 8 that case?</p> <p>9 A. To some degree, yes, ma'am.</p> <p>10 Q. What did you testify about that?</p> <p>11 A. One of the things we were asked to do in 12 that particular case was to go through the cell 13 phone records. Miss -- again, the daughter -- her 14 name escapes me -- that was driving the Crawford 15 Roofing vehicle had testified as to her location 16 over the preceding five to ten minutes, and what she 17 was doing. She had apparently been texting some 18 friends. She claims that she was not on the phone 19 at the time of the accident and had put the phone 20 down, so some of the stuff we did was essentially 21 lay out in time -- time and distance and articulate 22 to see if her account of where she was when she was 23 sending text messages lined up with typical travel 24 through through the residential area that she had 25 been traveling through the preceding several</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
93-96

<p>1 minutes, and whether or not the record did or did 2 not show that she was actually on her phone when she 3 had pulled out from the stop sign.</p> <p>4 Q. So it was -- your work supported that she 5 was not on the phone at the time?</p> <p>6 A. From the cell phone records, there was no 7 evidence that she was on her phone at the -- I think 8 the minute, minute and-a-half preceding the actual 9 accident.</p> <p>10 Q. Have you been provided the 911 record for 11 this wreck?</p> <p>12 A. I don't believe I've seen that, no.</p> <p>13 Q. Have you been provided Mr. McClure's cell 14 phone record for this wreck?</p> <p>15 A. No, I don't believe I have.</p> <p>16 Q. It might been attached to his deposition, 17 but I'm not sure about that, as an exhibit.</p> <p>18 A. I have his deposition transcript, but not 19 his exhibits in my file at least at this point.</p> <p>20 Q. Have you formed an opinion that Mr. McClure 21 was or was not on the cell phone talking at the time 22 of this wreck?</p> <p>23 A. I have not been asked to do that in this 24 case. I mean, I've seen his testimony that he had 25 set the headset down, but that's really the extent</p>	Page 93	<p>1 Q. The answer is, yes, it's important for 2 Mr. McClure to be paying attention what cars are in 3 the lanes when he's trying to make a lane change 4 with his truck, correct?</p> <p>5 MR. ROZELSKY: Object to the form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. MCARTHUR:</p> <p>8 Q. And assuming Mr. McClure was talking on the 9 cell phone, then one plausible reason why he did not 10 see Ms. Little is he was distracted by talking on 11 cell phone, correct?</p> <p>12 MR. ROZELSKY: Object to the form.</p> <p>13 THE WITNESS: Under your assumption, 14 that could be a plausible reason.</p> <p>15 BY MS. MCARTHUR:</p> <p>16 Q. And are you familiar with the studies that 17 talk about inattention blindness caused by cell 18 phone use?</p> <p>19 MR. ROZELSKY: Object to the form.</p> <p>20 THE WITNESS: Yes, I've studied a 21 number of research papers on that, yes.</p> <p>22 BY MS. MCARTHUR:</p> <p>23 Q. What is inattention blindness caused by 24 cell phone use?</p> <p>25 A. I mean, the words almost speak for</p>	Page 95
<p>1 of my understanding of it.</p> <p>2 Q. And you've not been shown his cell phone 3 record that reflects that he may have been on in 4 excess of 30-minute phone call at the time of this 5 wreck?</p> <p>6 A. As I said, I have not seen the records.</p> <p>7 So, no, I have not seen that.</p> <p>8 Q. You would agree with me that when a truck 9 driver is executing a -- do you agree that it's a 10 pretty complex maneuver of the truck to have to 11 change several lanes to merge onto I-75 North, 12 crossing that bridge area and then merging?</p> <p>13 MR. ROZELSKY: Object to the form.</p> <p>14 THE WITNESS: I mean, it's a behavior. 15 As he testified, he was in the -- what had been 16 the right through lane of I-16 and was going to 17 make a single lane change to the right kind of 18 preceding or as part of the merge to I-75.</p> <p>19 It's a lane change. I don't know that it's 20 that complex.</p> <p>21 Q. Well, it's important for the truck driver 22 to be paying attention to what cars are in what 23 lanes when he's making a lane change, isn't it?</p> <p>24 A. It's always important for truck drivers to 25 pay attention to their surroundings.</p>	Page 94	<p>1 themselves. If you're focused on another task, 2 you're diverting your cognitive processes away from 3 other things around you. If you're doing one thing 4 and you're not looking, your blind maybe potentially 5 to something else.</p> <p>6 Q. And are you a person who ascribes to those 7 studies or believes in the efficacy of those studies 8 that people who are talking on cell phones don't see 9 things because of the connection of their brain to 10 their cell phone conversation?</p> <p>11 MR. ROZELSKY: Object to the form.</p> <p>12 THE WITNESS: I mean, I read each 13 study and take it for what it is. If you're 14 texting and looking down, obviously your eyes 15 are not on the road. If you're talking on a 16 cell phone on a headset, you certainly have the 17 ability to continue to scan and see the roadway 18 around you.</p> <p>19 Furthermore, the research shows that 20 the people on cell phones typically leave more 21 space because they're aware that they might be 22 somewhat distracted. They sometimes drive a 23 little bit slower, typically drive a little bit 24 slower, so there's a number of factors that go 25 into assessing a cell phone usage.</p>	Page 96

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
97-100

1 BY MS. MCARTHUR: 2 Q. Do you hold the opinion or not, 3 Mr. Boggess, that cell phone use while driving 4 causes inattention blindness? 5 MR. ROZELSKY: Object to the form. 6 THE WITNESS: It may. 7 BY MS. MCARTHUR: 8 Q. And inattention blindness may be one 9 explanation for why Mr. McClure did not see 10 Ms. Little when she was there to be seen ahead of 11 him as he was coming up on her, isn't it? 12 MR. ROZELSKY: Object to the form. 13 THE WITNESS: If we assume he was on 14 his cell phone, it would be, as we said, a 15 possible or a plausible option. 16 BY MS. MCARTHUR: 17 Q. And you have been provided information 18 about Miss Little and her cell phone records, have 19 you not? 20 MR. ROZELSKY: Object to the form. 21 THE WITNESS: I have not seen her 22 records. I have her testimony that clearly 23 places her on the phone, holding the phone to 24 her ear. 25 BY MS. MCARTHUR:	Page 97 1 Q. Well, assuming that that's when the 911 2 call came in then assuming that Mr. McClure had 3 begun a cell phone call at 10:28 a.m. that ended 31 4 minutes later that would put him at 10:59, would it 5 not? 6 MR. ROZELSKY: Object to the form. 7 BY MS. MCARTHUR: 8 Q. Just doing the math. 9 A. Simple math, roughly, yes. 10 Q. And if a cell phone -- if the 911 audio 11 record is correct that the cell phone -- that the 12 wreck was called in at 10:57:54, then that would, 13 assuming those times are correct, place him on the 14 cell phone at the time -- puts his cell phone in use 15 at the time that the wreck occurred on this case. 16 MR. ROZELSKY: Object to the form. 17 THE WITNESS: I would say two things 18 with that: One, that assumes that the two 19 computers being used to -- both the cell phone 20 company and 911 are the same server. And 21 they're mostly likely not the same service. 22 They could be. But that also then implies 23 that, despite being an accident allowing time 24 for someone to call in a 911 call that 25 Mr. McClure, for some reason, stays on his call
1 Q. Right. And she's admitted that she was 2 talking on phone, hasn't she? 3 A. She did, yes. 4 Q. But you have not been provided either the 5 911 record that reflects the first 911 call came in 6 at -- do you recall what it was, because I'm sure 7 you read it? 8 MR. ROZELSKY: Object to the form of 9 the question. 10 THE WITNESS: I don't recall the exact 11 time as we sit here. As you said, it's in the 12 records. 13 BY MS. MCARTHUR: 14 Q. You don't dispute the 911 call came in at 15 10:57:54 for this wreck, do you? 16 A. According to that system, yes. That's when 17 it came in. And even when we got into the other 18 case in questioning was -- the computer times of one 19 computer system versus another can be different the 20 way ping of different servers and update their 21 clocks. 22 So, again, that's a log of when the 911 23 call came in based on their system. I'm not here to 24 dispute that that is or is not the time it came 25 in.	Page 98 1 for, you know, two minutes or better after the 2 accident. Which I would think, if I was in an 3 accident, I would hang up immediately. 4 So I find some questions with the 5 data -- a direct comparison with those two sets 6 of data. 7 BY MS. MCARTHUR: 8 Q. It would imply that Mr. McClure's cell 9 phone was in use at the time of the wreck, would it 10 not, Mr. Boggess? 11 MR. ROZELSKY: Object to the form. 12 BY MS. MCARTHUR: 13 Q. If the wreck occurred right before 14 10:57:54. 15 A. If those clocks are synced, yes. There was 16 a signal going to his phone. He testified that he 17 was having problems with that headset that didn't 18 hang up calls. 19 Again, I haven't really looked in -- like I 20 said, I have not looked into this data. I'm not 21 offering opinions on it. I'm simply saying that, 22 looking at the two times, that would imply that 23 there was some overlap. 24 Q. So you're not even asked to assume that he 25 was on the phone. You're asked to assume that he

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
101-104

<p>1 was not on the phone at the time of the wreck, 2 correct? 3 MR. ROZELSKY: Object to the form. 4 THE WITNESS: I haven't been asked to 5 assume either. I have looked at it as a -- 6 this particular accident is that Mr. McClure 7 made a left or right lane change and merging 8 into the right lane and what available options 9 realistically Miss Little had and what 10 distractions she may have had in this accident 11 as well. That's been -- 12 Q. Actually -- 13 A. -- the request of counsel, to look at this. 14 Q. If the wreck happened at the time on the 15 record wreck report, 11:05, he was also on the phone 16 at 11:01 for six minutes to Hickory, North Carolina. 17 So that would also put him to 11:07. 18 MR. ROZELSKY: Object to the form of 19 the statement. 20 MS. MCARTHUR: We can do the simple 21 math again. 22 THE WITNESS: The accident report 23 lists the accident happens at 11:50 you say? 24 BY MS. MCARTHUR: 25 Q. Yes.</p>	<p>Page 101</p> <p>1 Q. Well, do you know the time that the truck 2 records reflect that he hit -- the button that he 3 said he had the wreck? 4 A. I believe that computer system, if I 5 recall, says 10:58, if I recall. 6 Q. And if the wreck happened -- that would be 7 consistent with the 911 call at 10:57:54, wouldn't 8 it? 9 A. It would be close in time, yes. 10 Q. And that would place him, assuming the 11 records are right, that his cell phone was in use at 12 that time, correct? 13 A. Again, if all those different computer 14 clocks are actually synced, yes. If not, no. 15 Q. You had not -- 16 A. And again, as he testified, he thought he 17 ended call and set the headset down. Whether that's 18 accurate or not, don't know. 19 Q. Let's assume it was not accurate, okay? 20 A. Okay. 21 Q. Let's assume Mr. McClure was talking to 22 another truck driver from the trucking company at 23 the time he was making this lane change, what would 24 be your commentary on that, Mr. Boggess, about 25 Mr. McClure's cell phone use assuming he was doing</p>
<p>1 A. Okay. 2 Q. Does it not? 3 A. It does. 4 Q. So if he made a call to Hickory at 11:01, 5 six minutes that would put him at 11:07, wouldn't 6 it? 7 MR. ROZELSKY: Kathy, when you're at a 8 break point -- 9 MS. MCARTHUR: Let me finish this 10 final question. 11 MR. ROZELSKY: We're just talking 12 about what we want to do for lunch, that's all. 13 MS. MCARTHUR: I don't want to break 14 for lunch. I'll tell you that right now. 15 (Off the record.) 16 THE WITNESS: I understand that -- or 17 I believe I recall that Mr. McClure calls his 18 office after the accident happens which implies 19 it would be consistent with the 11:01. 20 So whether it's 11:05 and the accident 21 report is actually accurate, if it's off a 22 different dispatch record of the officer, you 23 know, you a different time off of a different 24 computer, I can't say. 25 BY MS. MCARTHUR:</p>	<p>Page 102</p> <p>1 that? What would say about that? 2 MR. ROZELSKY: I'm going to object to 3 the form. He has not been held out as an 4 expert on that point. It's not in any part of 5 Rule 26A report about whether or not he has 6 opinions as to the use of the cell phone by the 7 truck driver. 8 MS. MCARTHUR: Well, he's been held 9 out as an expert on Ms. Little and her cell 10 phone use, so I think it's fair to ask him 11 about Mr. McClure, and I'm planning to. 12 MR. ROZELSKY: Fair enough. 13 THE WITNESS: Can you repeat the 14 question, please. 15 BY MS. MCARTHUR: 16 Q. Do you hold yourself out as an expert on 17 the distraction caused by cell phone use while 18 driving? 19 A. To some capacity. I mean, I've researched 20 the topic. 21 Q. Do you or don't you? Yes or no. 22 A. Yes, in certain aspects of it, yes. 23 Q. All right. So, assuming Mr. McClure was 24 talking on his cell phone to another truck driver 25 from the same company or anybody when he made the</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
105-108

<p>1 lane change or for 30 minutes prior to that, what 2 would be your comment or your opinion about the 3 effect of his use of the cell phone on this wreck 4 assuming you had been asked to look at that and give 5 your opinion?</p> <p>6 MR. ROZELSKY: Same objection.</p> <p>7 THE WITNESS: Again, assuming he's on 8 the cell phone with someone at the time, then, 9 as we said, it may be a reason -- it may factor 10 into why he missed the Civic alongside of him. 11 It may have simply been positional reasons. It 12 may have been the way he scanned the mirrors. 13 I don't have an opinion beyond that.</p> <p>14 BY MS. MCARTHUR:</p> <p>15 Q. I'm asking, assuming he was on the 16 telephone, what is your opinion about whether or not 17 he was distracted in his driving by the use of the 18 cell phone as he was changing lanes? That's all I'm 19 asking you about, Mr. Boggess, is your opinion about 20 his cell phone use?</p> <p>21 MR. ROZELSKY: Object to the form.</p> <p>22 THE WITNESS: As I thought I just 23 said, it may have had some effect and it may 24 not have, if he was on the phone. We know he 25 made a lane change from the left to the right</p>	Page 105	<p>1 THE WITNESS: I'm not offering legal 2 opinions. Again, she's seemingly established 3 in the right lane of travel.</p> <p>4 BY MS. MCARTHUR:</p> <p>5 Q. And Mr. McClure had no business whatsoever 6 merging into Miss Little's lane virtually on top her 7 car, did he?</p> <p>8 MR. ROZELSKY: Object to the form.</p> <p>9 THE WITNESS: Mr. McClure or any other 10 car should not merge from the left line into 11 the right lane occupied by another vehicle.</p> <p>12 BY MS. MCARTHUR:</p> <p>13 Q. And in fact, Mr. McClure could have pulled 14 back to the left, couldn't he, to avoid Miss Little 15 if he had been looking in his mirror and had seen 16 her?</p> <p>17 A. If he detected her that could have been an 18 option, yes.</p> <p>19 Q. Is it your testimony that Mr. McClure 20 couldn't see Miss Little's vehicle once it was 21 trapped by the trailer wheels down the side of his 22 truck if he had looked in the side mirror?</p> <p>23 A. I haven't tried to assess that. Again, if 24 he checked his mirrors, he may have been reasonably 25 able to see her. I believe the mirrors would be</p>	Page 107
<p>1 into the Civic.</p> <p>2 BY MS. MCARTHUR:</p> <p>3 Q. Well, I mean, you said affirmatively that 4 Miss Little was distracted, and, therefore, she 5 didn't perceive and react quickly, correct? Isn't 6 that what you said?</p> <p>7 A. You can read the opinion. It's similar to 8 that, what I said in my report, yes.</p> <p>9 Q. Well --</p> <p>10 A. We know her hands are off the steering 11 wheel. She's using a hand held device and executes 12 -- admittedly executes no vehicle maneuver to react 13 to the accident.</p> <p>14 Q. Assuming that she -- let me ask you this: 15 Who had a duty in terms of a driver duty as far 16 as --</p> <p>17 MS. MCARTHUR: Let me just strike 18 that.</p> <p>19 BY MS. MCARTHUR:</p> <p>20 Q. Did Miss Little have control of her lane of 21 travel when the truck merged into her lane?</p> <p>22 A. She seemingly was in her lane.</p> <p>23 Q. And she had a legal right to be in that 24 lane, didn't she?</p> <p>25 MR. ROZELSKY: Object to the form.</p>	Page 106	<p>1 aimed down the side of his vehicle.</p> <p>2 Q. Well, he should have been able to see her 3 car trapped by his trailer at the point that it was 4 in his mirror on the side of his truck, shouldn't 5 he?</p> <p>6 A. Reasonably, he could have seen her. But as 7 he testified, he felt he was hit in the rear. He's 8 seeing in his -- at least in his left mirror, he's 9 seeing debris in the roadway as if maybe he's been 10 struck. And he seemingly Diverted his attention 11 forward as if to pull off the road onto the shoulder 12 to get off the road.</p> <p>13 Q. He's also testified that Miss Little wasn't 14 there at all, hasn't he?</p> <p>15 MR. ROZELSKY: Object to the form.</p> <p>16 THE WITNESS: In his perception, 17 yes.</p> <p>18 BY MS. MCARTHUR:</p> <p>19 Q. So Mr. McClure's memory of this is faulty, 20 isn't it, because Miss Little was there in that 21 lane?</p> <p>22 A. He missed her, yes.</p> <p>23 Q. Right. So his memory on the other items 24 may be faulty as well. Would you agree with that?</p> <p>25 MR. ROZELSKY: Object to the form.</p>	Page 108

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
109-112

1 THE WITNESS: I mean, as we said, 2 anybody can misjudge certain things, and he 3 obviously misjudged or missed Miss Little 4 beside him initially. Beyond that, he's trying 5 to drive his truck to the shoulder and assess 6 what just happened. 7 BY MS. MCARTHUR: 8 Q. My questions was whether he -- if he had 9 looked in his side-view mirror, once her vehicle is 10 trapped by his trailer, wouldn't he have been able 11 to see her? 12 A. As I said, yes, I believe in his mirror he 13 would have seen her. But he's probably looking 14 elsewhere to pull his vehicle over, so he's not 15 rechecking that mirror. 16 Q. Well, do you find it acceptable that he 17 dragged her vehicle 735 feet, Mr. Boggess? 18 MR. ROZELSKY: Object to the form. 19 BY MS. MCARTHUR: 20 Q. He did, didn't he? I mean, he did drag her 21 735 feet. 22 A. He did drag -- the truck drug the Honda 23 along the roadway, yes. In terms of acceptable, if 24 he knew he was dragging her, I would say probably 25 that's not acceptable. If he's unaware, it's not	Page 109	1 BY MS. MCARTHUR: 2 Q. How much did that car weigh? 3 A. Not accounting for her, roughly 2388 4 pounds, which compared to his vehicle is fairly 5 small. 6 Q. Have you used the weight of her vehicle 7 being dragged like a dead weight by the truck, not 8 something that's rolling, in order to calculate his 9 speed at the time he attempted to stop? 10 A. No. But he's also braking to some degree 11 too. So it's not just a function of her vehicle 12 being drug. I mean, for something like that, you're 13 going to have to look at the weight distribution. 14 We're talking about the rear left wheel being drug, 15 whereas the others potentially were still free 16 rolling, so the -- you know, the drag factor of a 17 2300-pound car versus a tractor trailer is really 18 not all that much. 19 Q. Can you figure the speed of the truck or 20 not at the point he decided he needed to stop? 21 A. Not outside of witness statements, no. 22 Q. Are you able to figure the speed and just 23 haven't done it? 24 A. We may be able to put bounds on it, but -- 25 it's a maximum speed based on that distance. But	Page 111
1 intentional. I don't think it falls under 2 acceptable or not. 3 Q. He smashed her vehicle into the guardrail 4 on the right site as well as into the bridge on the 5 right side, didn't he? 6 A. Her vehicle was pushed to the right, yes, 7 into both. 8 Q. How much of a mile is 735 feet? 9 A. Divide that by 5280. I mean, it's between 10 a tenth -- more than a tenth of a mile. 11 Q. More than a tenth of mile he dragged her 12 vehicle. And her wheels weren't rolling, were they, 13 all of them? 14 MR. ROZELSKY: Object to the form. 15 BY MS. MCARTHUR: 16 Q. Wasn't one of the wheels pinned? 17 MR. ROZELSKY: Object to the form. 18 THE WITNESS: It was, yes. 19 BY MS. MCARTHUR: 20 Q. So it's a function of a rolling car 21 being -- rolling along with the truck. It's a 22 vehicle with one wheel pinned being dragged, isn't 23 it? 24 MR. ROZELSKY: Object to the form. 25 THE WITNESS: Seemingly, yes.	Page 110	1 certainly the true speed is going to be well under 2 that. I have not been asked to or needed to. 3 Q. Why would you say that the true speed is 4 going to be well under the maximum speed? One or 5 the would be correct, wouldn't it? 6 MR. ROZELSKY: Object to the form. 7 THE WITNESS: The tractor trailer did 8 not lock down all 18 -- you know, all 10 brake 9 chambers and slide for 735 or some odd number 10 of feet. If it did, it would have some 11 astronomical speed. We know it didn't do that. 12 I mean, the witnesses don't place it anywhere 13 near those kind of speeds, so we know it's 14 something less than that. 15 The magnitude of his braking, we don't 16 know. We know that he went with the intention 17 of going over on the shoulder and was braking, 18 but not -- as he testified, not in a panic or 19 an emergency type of maneuver. 20 BY MS. MCARTHUR: 21 Q. The looking at your list of cases, the 22 Larkins case, who were you retained by on that 23 case? 24 A. I believe counsel for East Coast 25 Contracting.	Page 112

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
113-116

<p>1 Q. And McCray vs. Wilson Trucking who were you 2 retained by?</p> <p>3 A. Counsel for Wilson Trucking.</p> <p>4 Q. The same for this next one as well, Smith 5 vs. Shipping Utilities who were you retained by?</p> <p>6 A. If I recall, that was a workplace accident 7 with a forklift. I was retained by counsel for 8 shipping utilities, but I can't be certain.</p> <p>9 Q. What happened in that trial?</p> <p>10 A. Defense verdict.</p> <p>11 Q. Shuler vs. Werner Enterprises who were you 12 retained by?</p> <p>13 A. I was retained by counsel for Werner 14 Enterprises. It was a two tractor trailer accident 15 with accident reconstruction and biomechanics 16 associated.</p> <p>17 Q. The Shuler was not in the tractor trailer 18 was she, or was she?</p> <p>19 A. It's been three and-a-half years, I can't 20 be sure. For some reason I want to say yes, she 21 was. It was another tractor trailer, but I may be 22 mistaken.</p> <p>23 Q. Okay. Holder vs. Shelnutt.</p> <p>24 A. That, it was actually sued in a counter 25 suit in that as I recall. It was both those</p>	<p>Page 113</p> <p>1 listed here. Potential plaintiff cases.</p> <p>2 Q. I only found one.</p> <p>3 A. As I said, the Holder and Shelnutt case, I 4 was plaintiff on one, defense on the other, as I 5 recall. That was the last one on the last page.</p> <p>6 Q. I thought you said you didn't know.</p> <p>7 A. There was two suits. There was a -- both 8 were suing each other. I only listed it as one 9 here. So two-vehicle accident. They disagreed over 10 who was at fault.</p> <p>11 Q. So are you -- what would be your testimony 12 as to the percentage of times in car wreck cases 13 that you are retained on behalf the plaintiffs 14 versus defendants?</p> <p>15 A. I've never added it up. In terms of 16 retention. I think it's higher than what list shows 17 in terms of that breakdown, meaning more plaintiff 18 cases. I think I probably testified in the past, if 19 you look at my -- if you track down prior testimony, 20 I probably said 75/25. Another time, I may have 21 said 80/20. But I've never add it up, so I don't 22 know.</p> <p>23 Q. This is all of the depositions you've given 24 since December of 2009, correct?</p> <p>25 A. October of '09, yes, ma'am.</p>
<p>Page 114</p> <p>1 individuals were suing each other. It was a 2 two-vehicle accident and I was retained by counsel 3 for -- actually, I don't remember which one because 4 I don't which one was the initial and which one was 5 the counter suit.</p> <p>6 Q. In the last -- it looks like four years 7 almost, you have not given a deposition in a car 8 wreck case for a plaintiff at all, have you, other 9 than the Velez case where you were also testifying 10 for Velez as a defendant, correct?</p> <p>11 A. There's a few that I can't remember so I 12 can't be certain to answer your question. Of the 13 ones I remember, deposition wise, I think that was 14 the -- you were writing -- I think that was the only 15 plaintiff. There was the trial plaintiff that I was 16 not deposed on prior to trial.</p> <p>17 Q. So would you say that your testimony at 18 deposition a over 90 percent -- 95 percent for 19 defense of -- defense of defendants?</p> <p>20 A. Based on this testimony list only, or my 21 testimony?</p> <p>22 Q. Based on your deposition list for the last 23 four years.</p> <p>24 A. I haven't figured out a percentage. 25 Obviously, there's only a couple plaintiff cases</p>	<p>Page 116</p> <p>1 Q. October of '09?</p> <p>2 A. It's a four year -- I apparently didn't 3 give one in November or October of '09.</p> <p>4 Q. Okay. And you started with SEA --</p> <p>5 A. October 2007.</p> <p>6 Q. Okay. So you wouldn't have given any 7 depositions on accident reconstruction cases before 8 October of '07 or when you started with SEA, would 9 you?</p> <p>10 A. No, ma'am.</p> <p>11 Q. And you wouldn't have given any actually 12 with SEA until after you took the Northwestern 13 course, would you?</p> <p>14 A. I could have. There's testimony that it's 15 dropped off this list that I don't recall as we sit 16 here.</p> <p>17 Q. I think I probably have a year prior to 18 that in the Middlebrooks case?</p> <p>19 MR. ROZELSKY: Object to the form of 20 the statement.</p> <p>21 BY MS. MCARTHUR:</p> <p>22 Q. What month did you start with SEA?</p> <p>23 A. October of '07.</p> <p>24 Q. Okay. So this list is from October of --</p> <p>25 A. '09.</p>

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
117-120

	Page 117		Page 119
1	Q. '09 forward.	1	fair, based on the scope of the project you just
2	A. Yes, ma'am.	2	described, it would have been important for you to
3	Q. So this list contains every deposition	3	know whether Mr. McClure was actually talking on the
4	you've given for all but the first two years of your	4	phone, or whether there was evidence to support
5	work with SEA?	5	that, wouldn't you, at the time of this wreck?
6	A. To my knowledge, yes, ma'am.	6	MR. ROZELSKY: Object to the form.
7	Q. All right. And then you didn't take the	7	THE WITNESS: Again, based on the
8	Northwestern course until November of '08, correct?	8	requests of what I was asked to look at, no.
9	A. January and February of '08.	9	It's not a matter of fairness or otherwise.
10	Q. Where did I get November? Okay. January,	10	It's a -- I mean, I think in the report I
11	February.	11	readily say that the Honda was in the right
12	Okay. So would you believe that you would	12	lane and the tractor trailer began to maneuver
13	have given depositions on accident reconstruction	13	from the, I guess, the middle lane into the
14	prior to taking that course.	14	right lane.
15	A. Given my short time with the company, I	15	The questions that I've been asked, as
16	doubt it, but I don't recall for sure.	16	outlined in my opinions in the report, are
17	Q. So what we have here is at least two-thirds	17	focused on where this happened, the distances
18	of the depositions -- at least two-thirds of the	18	between the vehicles, as Mr. Alexander has even
19	depositions you've given while you've been employed	19	testified about, and then reaction potential
20	by SEA, correct?	20	for Miss Little to avoid the accident.
21	A. From a time standpoint, I don't know how	21	That's what I was asked to do and
22	many I gave in that two-year window potentially.	22	that's what I've done in this case.
23	Q. Okay. If you're trying to reconstruct this	23	MS. MCARTHUR: We can take a break.
24	wreck, it would be important for you to know -- in	24	(A break was taken from 1:02 p.m. to
25	order to be fair, it would be important for you to	25	1:08 p.m.)
	Page 118		Page 120
1	know whether Mr. McClure was on the cell phone or	1	BY MS. MCARTHUR:
2	not, wouldn't it?	2	Q. Looking at your report, Mr. Boggess, you
3	MR. ROZELSKY: Object to the form.	3	don't indicate anywhere in this report that you did
4	THE WITNESS: It depends on what I'm	4	not do the inspection of the vehicle in the scene,
5	asked to do.	5	do you?
6	BY MS. MCARTHUR:	6	A. I don't say that, no. I say that, I mean,
7	Q. Well, what you were asked to do in this	7	SEA did. Some person of SEA did. I don't say one
8	case was what?	8	way or the other.
9	MR. ROZELSKY: Can we take a short	9	Q. You agree, don't you, that personally
10	break because this is a new line of	10	viewing the scene and personally doing the
11	questioning? Do you mind?	11	inspection in some cases is important, isn't it?
12	BY MS. MCARTHUR:	12	MR. ROZELSKY: Object to the form.
13	Q. Can you answer the question and then we'll	13	THE WITNESS: In some cases it could
14	stop?	14	be and in others it's meaningless.
15	MR. ROZELSKY: That's fine.	15	BY MS. MCARTHUR:
16	THE WITNESS: My report says that SEA	16	Q. At any rate --
17	was specifically requested to inspect the scene	17	A. It depends on the documentation done, too.
18	of the vehicles, review the provided discovery	18	I mean, in this case, you know, there's
19	documents, perform relevant research and	19	documentation done both by Mr. Alexander and
20	investigation and complete an accident	20	Mr. Peters.
21	reconstruction analysis to the extent necessary	21	Q. You've not asked to go view the scene, have
22	pursuant to the allegations and requests in the	22	you?
23	subject case.	23	A. Not since getting further involved. As I
24	BY MS. MCARTHUR:	24	said, Mr. Rozelsky initially called me to go to the
25	Q. So the question again: In order to be	25	scene. Due to my unavailability, Mr. Peters covered

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
121-124

<p>1 that inspection, which occurs or has occurred in the 2 past.</p> <p>3 Q. The question was -- or I asked you: Have 4 you asked to go view the scene?</p> <p>5 A. I have not asked to go back to the scene.</p> <p>6 Q. Have you asked to go view the truck or the 7 Honda?</p> <p>8 A. I have not asked to go back and review 9 those.</p> <p>10 Q. Did you, in fact, pass the assignment along 11 to Mr. Peters because you were not available when it 12 first came in?</p> <p>13 A. I don't recall exactly how it all 14 transpired. I know that I was unavailable. I, you 15 know, probably told Mr. Rozelsky. I said, I can't 16 go, but can offer you Mr. Peters who's in the 17 Atlanta area. It would be closer than myself 18 anyway. So he took me up on the offer and allowed 19 Mr. Peters to go.</p> <p>20 Q. Is it your testimony that it was not 21 intended for Mr. Peters to actually do the work then 22 since he went?</p> <p>23 A. I don't know what Mr. Rozelsky's intentions 24 were.</p> <p>25 MS. MCARTHUR: Did you all give me any</p>	<p>Page 121</p> <p>1 Q. And he's reviewed the ECM data also, 2 correct?</p> <p>3 A. It does appear that he did, yes.</p> <p>4 Q. Who downloaded the ECM?</p> <p>5 A. I don't recall exactly which person hooked 6 up and downloaded it.</p> <p>7 Q. Is there anything on the ECM -- you've 8 reviewed the data from that, right?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Anything on the ECM pertaining to this 11 wreck?</p> <p>12 A. None of the hard brakes or the last stop 13 record are consistent with matching, so no.</p> <p>14 Q. Are consistent, what?</p> <p>15 A. With this actual event.</p> <p>16 Q. That's because the truck was driven 17 following this wreck, correct?</p> <p>18 MR. ROZELSKY: Object to the form.</p> <p>19 THE WITNESS: The hard brakes, I 20 believe, are older, so that's suggested that 21 the accident did not log a hard break event. 22 The last stop record would have been moved -- 23 or would have been wiped presumably the second 24 the truck got moved and after it got released 25 by the officers from the side of the road.</p>
<p>1 bill yet?</p> <p>2 MR. ROZELSKY: There's -- she made 3 three copies.</p> <p>4 BY MS. MCARTHUR:</p> <p>5 Q. Looking at this bill then, it actually 6 shows --</p> <p>7 MR. ROZELSKY: Have you marked that as 8 an exhibit?</p> <p>9 MS. MCARTHUR: I will.</p> <p>10 MR. ROZELSKY: I just didn't know if 11 you had.</p> <p>12 MS. MCARTHUR: Let's mark it P4.</p> <p>13 (PLF. EXH. 4-A, Bill; 5/22/12 was marked 14 for identification.)</p> <p>15 (PLF. EXH. 4-B, Bill; 12/19/12, was 16 marked for identification.)</p> <p>17 BY MS. MCARTHUR:</p> <p>18 Q. I'm handing the one that's dated 4A. It's 19 dated 4/16, or it's actually dated May 22nd, '12. 20 It shows that Mr. Peters has billed for an accident 21 reconstruction, doesn't it?</p> <p>22 A. He coded as that. I mean, most of the 23 descriptions are Photo Modeler, which is a program 24 that's allowing him to get crush measurements and 25 scene measurements from the photos.</p>	<p>Page 122</p> <p>1 BY MS. MCARTHUR:</p> <p>2 Q. So, it's your belief that the ECM data had 3 nothing to do -- for this truck had nothing to do 4 with this case?</p> <p>5 A. As I said, the two hard stop events and the 6 last stop certainly not. Yes.</p> <p>7 Q. Is there anything on it that pertains to 8 this wreck, the ECM data?</p> <p>9 A. Not that I recall unless there may be like 10 a governed speed, if we get into somewhat speed 11 potentials. I don't recall what that number is as 12 we sit here though.</p> <p>13 Q. So the drawing production Mr. Simbro. Who 14 is Mr. Simbro?</p> <p>15 A. He's actually a retired individual with SEA 16 now, but he apparently did some of the drawings -- 17 compiled some of the drawings from Mr. Peters 18 following his efforts.</p> <p>19 Q. Mr. Austin preparing diagrams and photos?</p> <p>20 A. He likely processed the photographs. He is 21 a technician in the front office and Mr. Peters 22 probably handed him a photo card when he came back 23 in, had him prepare the CDs and print photographs.</p> <p>24 Q. Then in looking at 4-B, Mr. Peters, 25 12/19/12, what does that reference?</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
125-128

<p>1 A. Which date is that, I'm sorry?</p> <p>2 Q. 12/19/12, the second.</p> <p>3 A. At my request, he did some crush profiles</p> <p>4 based on the photogrammetry.</p> <p>5 Q. So, was anything at all on 4-A, the first</p> <p>6 two pages we just looked that encompassed</p> <p>7 Mr. Peters, Mr. Simbro, Mr. Austin, that whole bill</p> <p>8 of \$4,580.45, none of that was done at your request,</p> <p>9 was it?</p> <p>10 MR. ROZELSKY: Object to the form.</p> <p>11 THE WITNESS: I don't have time on the</p> <p>12 project at that point, so I don't necessarily</p> <p>13 note my involvement at that point. So no, I</p> <p>14 don't believe it was.</p> <p>15 BY MS. MCARTHUR:</p> <p>16 Q. So then looking at the bill that is 4-B,</p> <p>17 when did you become involved after Mr. Peters did</p> <p>18 all the work reflected on 4-A, plus I believe the</p> <p>19 seat inspection and the Honda inspection March 28,</p> <p>20 2012?</p> <p>21 A. From the two billings that I have in front</p> <p>22 of me, it appears that I got back involved</p> <p>23 December 15, 2012.</p> <p>24 Q. Why were you not involved between March of</p> <p>25 2012 and December 15th, 2012?</p>	<p>Page 125</p> <p>1 MR. ROZELSKY: 5.</p> <p>2 MS. MCARTHUR: 5.</p> <p>3 (PLF. EXH. 5, Field Notes, was marked</p> <p>4 for identification.)</p> <p>5 BY MS. MCARTHUR:</p> <p>6 Q. Whose notes are those?</p> <p>7 A. Those are Mr. Peters.</p> <p>8 Q. Have you used those notes?</p> <p>9 A. I've certainly reviewed them, yes. I used</p> <p>10 them in my analysis.</p> <p>11 Q. Have you reviewed his accident</p> <p>12 reconstruction?</p> <p>13 A. He has provided me his materials to which</p> <p>14 he did. I mean, a lot of it was simple drawing</p> <p>15 compilations. I don't believe he had actual done</p> <p>16 calculations. I think he's done some laying out of</p> <p>17 the vehicles as you see in the drawing files, but</p> <p>18 that was the extent.</p> <p>19 Q. Have you seen his reconstruction,</p> <p>20 Mr. Boggess?</p> <p>21 MR. ROZELSKY: Object to the form.</p> <p>22 THE WITNESS: To the extent that it</p> <p>23 was done, I believe so, yes.</p> <p>24 BY MS. MCARTHUR:</p> <p>25 Q. And what would it reflect?</p>
<p>1 MR. ROZELSKY: Object to the form.</p> <p>2 THE WITNESS: Because Mr. Rozelsky</p> <p>3 didn't call me back an ask me to get involved,</p> <p>4 I presume. I mean, it looks to me from the</p> <p>5 billings that Mr. Peters did some initial leg</p> <p>6 work and some analysis of the photographs using</p> <p>7 Photo Model and created some drawings.</p> <p>8 And it looks like it pretty much sat idle</p> <p>9 until the December time frame when I got contacted,</p> <p>10 apparently by Mr. Rozelsky, and did some analysis.</p> <p>11 BY MS. MCARTHUR:</p> <p>12 Q. Do you have a record of Mr. Rozelsky</p> <p>13 contacting you in December of 2012?</p> <p>14 A. I mean, if it's by email, it's probably in</p> <p>15 my communications folder, if there's a right tab</p> <p>16 marked as communications. Likely it would probably</p> <p>17 just be a phone call that he was going to --</p> <p>18 requesting my involvement.</p> <p>19 Q. What I'd like to know is -- by the way,</p> <p>20 looking at this 3/28/12, all these handwritten</p> <p>21 notes?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And drawings, field notes --</p> <p>24 MS. MCARTHUR: And we'll mark that as</p> <p>25 Plaintiff a Exhibit Number --</p>	<p>Page 126</p> <p>1 A. Again, it would be the drawing files that</p> <p>2 you have in front of you somewhere. There's a</p> <p>3 couple PowerPoint looking filings that he sent me</p> <p>4 that he's put some pictures together. I believe</p> <p>5 actually, this is the crush profiles that he did for</p> <p>6 me at my direction in December, actually. I'm</p> <p>7 looking at them. That was the extent.</p> <p>8 My understanding is, his reconstruction is</p> <p>9 limited to photo modeling, drawing layouts and</p> <p>10 engagement of the vehicles, and that was the extent</p> <p>11 at that time.</p> <p>12 Q. So what were you asked to do in December of</p> <p>13 2012? What you're showing here in this report?</p> <p>14 A. In December of 12th, Mr. Rozelsky, which</p> <p>15 ties into what Mr. Peters is doing was to look at</p> <p>16 the crush damage to the Civic and consider the</p> <p>17 magnitude of the crush and the magnitude of the --</p> <p>18 some of the contact interactions between the</p> <p>19 vehicles.</p> <p>20 Q. Looking at what we marked as Plaintiff</p> <p>21 Exhibit Number 6 --</p> <p>22 (PLF. EXH. 6, Project Assignment Report;</p> <p>23 3/16/12, was marked for identification.)</p> <p>24 MR. ROZELSKY: Kathy, to the extent</p> <p>25 that you're marking the originals, which I</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
129-132

<p>1 don't object, I would just ask that you not 2 hand write on the originals. I noticed you 3 wrote on some of the copies. 4 MS. MCARTHUR: Right. 5 MR. ROZELSKY: But -- 6 MS. MCARTHUR: I'm not going to write 7 on this. 8 MR. ROZELSKY: Okay. 9 BY MS. MCARTHUR: 10 Q. Looking at this Number 6, is that the 11 products assignment report from March 16th, 2012? 12 A. Yes. This is our project information form, 13 yes, ma'am. 14 Q. To whom does it reflect it was assigned? 15 A. It lists Mr. Peters' name and that 16 basically controls who the billing goes to. He was 17 doing the initial leg work. If I went back in the 18 system and reprinted today, it would have my name 19 there now most likely. 20 Q. But it reflects that Mr. Rozelsky has 21 signed this to Mr. Peters on that document P-6, 22 correct? 23 MR. ROZELSKY: Object to the form. 24 THE WITNESS: At the time this was 25 printed, yes, it indicated Mr. Peters.</p>	Page 129	<p>1 there's not a global case number in any of these as 2 the report is printed. It's toward the rear. 3 Q. Is it a diagnostic record? 4 A. No, ma'am. You have to keep going. 5 Q. Hard Brake 1 and Hard Brake 2. 6 A. Yes. And then it's going to go back and 7 Hard Brake 1 and 2 again for the raw data, I 8 believe. 9 Q. So when was the Hard Brake 1? 10 A. From the report, Hard Brake 1's incident 11 odometer is 50,546.3 miles. The current odometer 12 reading at the time of the imaging was 66,167.9, so 13 some almost 15 to 16,000 miles later in the 14 vehicle's life. 15 Q. Later or -- 16 A. Earlier from the time of the download. 17 Q. So Hard Brake 2 had occurred when? 18 A. More than 5,000 miles prior at 60,853. 19 Q. And you know that because of the odometer 20 reading that it was not pertaining to this case? 21 A. That's one reason, yes. 22 Q. What is the other reason? 23 A. I mean, looking at the data, they don't 24 sync with the circumstances of the accident either. 25 But again, when you do these downloads, it</p>	Page 131
<p>1 (PLF. EXH. 7, DDEC reports, was marked 2 for identification.) 3 BY MS. MCARTHUR: 4 Q. And looking at what we will mark as 5 Plaintiff's Exhibit 7, tell us what that is. 6 A. 7 appears to be the DDEC reports as imaged 7 from the involved Freightliner. 8 Q. It's the what? 9 A. DDEC, D-D-E-C, Detroit Diesel Engine 10 Control report. 11 Q. What does it add to your knowledge about 12 this wreck? 13 A. As we talked about, one of the things that 14 was checked was the last stop records and the hard 15 brake events, which, as we discussed, are not 16 related to the accident at hand. 17 Q. Tell me what page the hard brake event is 18 on. 19 A. They're printed as sections so they restart 20 numbering. The last stop would be a three-page 21 document -- actual a four-page. Three pages of 22 data, and then restarts at Page 1 again for the 23 plot. And then for the first hard brake event, it's 24 going to start at number one again. If you're 25 looking at the page numbers at the bottom right,</p>	Page 130	<p>1 logs the current odometer in the header up top, and 2 then it logs the incident odometer some inch 3 and-a-half below that listed on those reports, so 4 you can compare those. 5 Q. All right. And then the last stop record, 6 what does that have to do with -- 7 A. The last stop is a function of -- as kind 8 of indicated by the last time the vehicle was 9 brought to a stop from some speed. It does take a 10 few miles an hour of speed to get -- turn the system 11 and reset the system. So if you move a mile an 12 hour, it may not reset. So once you get the vehicle 13 up to some appreciable speed and it automatically 14 clears and then over rights with the next last stop 15 event. 16 Q. So what was the date of the last stop 17 record in this ECM download? 18 A. The mileages obviously match up, but the 19 last stop time is March 2nd, 2012. 20 Q. So February 20th, 2012 being the date this 21 wreck occurred, you're saying that it was downloaded 22 10 days after the wreck? 23 A. No, ma'am. It was downloaded, I believe, 24 on April 4th, 2012, which is the print date at the 25 top. That would be the time the report was printed.</p>	Page 132

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
133-136

<p>1 The incident -- the last time the vehicle 2 was moved according to the clock -- and you have to 3 sync the clocks and check the clocks. It says March 4 2nd, 2012.</p> <p>5 Q. So, had it set since March 2nd, 2012?</p> <p>6 A. If those are based on the same clocks, it 7 would appear that it set for a month and two days.</p> <p>8 Q. So the wreck had happened on the 20th of 9 February, so 10 days after the wreck the truck was 10 parked for a period of over a month?</p> <p>11 A. Something like that, yes, ma'am.</p> <p>12 Q. But the ECM was not downloaded within a 13 time frame that would have picked up the data from 14 the wreck in terms what was there on the ECM at the 15 time of the wreck and for the minute or so before 16 the wreck, correct?</p> <p>17 MR. ROZELSKY: Object to the form.</p> <p>18 THE WITNESS: No, again as soon as the 19 vehicles pulled off the shoulder or even pulled 20 forward more than maybe a handful of feet, it 21 would have cleared that last stop, that could 22 have even occurred when they were separating 23 the two vehicles at the time of the -- you 24 know, at the scene trying to get one vehicle 25 separated off the other. They literally could</p>	<p>Page 133</p> <p>1 (PLF. EXH. 8, Deposition summaries, was 2 marked for identification.)</p> <p>3 BY MS. MCARTHUR:</p> <p>4 Q. You have a deposition of Sean Alexander -- 5 not deposition, but his report and you underlined 6 reference material from the University of North 7 Florida, IPTM, Georgia Public Training Center, 8 Society of Automotive Engineers. Do you know why 9 you underlined that with green?</p> <p>10 A. I don't.</p> <p>11 Q. Can I have that back again?</p> <p>12 A. Yes, ma'am.</p> <p>13 MS. MCARTHUR: We'll mark the copy of 14 Sean Alexander's report as Exhibit Number 9.</p> <p>15 (PLF. EXH. 9, Alexander Report, was 16 marked for identification.)</p> <p>17 BY MS. MCARTHUR:</p> <p>18 Q. Looking at that, let's go to your markings 19 on it, on Page 42.</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Starting at the top, you wrote a lot of 22 things on this, so could you kind of go through your 23 hand markings and explain what you wrote to me?</p> <p>24 A. I'll do the best of my knowledge as I 25 recall. I would have cleaned this up into my</p>
<p>1 have easily overwritten the last stop record at 2 that point too.</p> <p>3 Q. The point is, it was -- what was the point 4 in downloading it April 2nd?</p> <p>5 MR. ROZELSKY: Object to the form.</p> <p>6 THE WITNESS: Recover whatever data 7 was there and preserve what's left of the data. 8 If, in fact, there had been a hard brake event, 9 it reasonably could have still captured it.</p> <p>10 There was no hard brake event, however, so it 11 was not captured.</p> <p>12 BY MS. MCARTHUR:</p> <p>13 Q. These deposition summaries -- you have a 14 deposition summary, Lindsay Little, Lorraine Smith, 15 Officer Williams, Mr. McClure, Sean Alexander. Are 16 these deposition summaries that you did?</p> <p>17 A. I did a portion of them, and my 18 administrative assistant would have done a couple of 19 the summaries for me.</p> <p>20 Q. Who is your administrative assistant?</p> <p>21 A. Joanie, J-O-A-N-I-E, Vischer, 22 V-I-S-C-H-E-R.</p> <p>23 MS. MCARTHUR: We'll mark the 24 deposition summaries as 8. I just put a clip 25 on them.</p>	<p>Page 134</p> <p>1 analysis file that you also have.</p> <p>2 But, initially, I'm drawing two boxes 3 side-by-side, up top presumably, talking about the 4 truck and the Honda. I started to write out some 5 equations but never finished, which is essentially 6 the distance of the truck. The velocity of the 7 truck times some time and then started to do some 8 equations.</p> <p>9 Q. Okay.</p> <p>10 A. Perception reaction time, I think I wrote 11 beside it less -- parenthesis, less, signal adds 12 clarity.</p> <p>13 Q. What does at that mean?</p> <p>14 A. He's using 1.5 seconds perception reaction. 15 It may, in fact, be less given various factors, 16 including the fact that you have a beacon. The 17 flashing light that's making it clear his intention 18 and you're not having to judge just the truck 19 changing the lane, but you're actually able to see a 20 further cue to simplify the analysis that you have 21 to do to decide what your reaction may or may not 22 be.</p> <p>23 Q. So what's the perception reaction time that 24 you used in your calculations?</p> <p>25 MR. ROZELSKY: Object to the form.</p>

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
137-140

1 THE WITNESS: For the purposes of most of 2 my calculation, I still used 1.5, and actually 3 increased it and did some test, which you'll see my 4 analysis file, at 2.0. I never degraded it. I was 5 simply noting to myself that probably is a high 6 number. 1.5 seconds is based on -- where it was 7 derived is, it's the 85th percentile of people had 8 reacted by 1.5, so in reality, the average is 9 considerably less.	Page 137	Page 139
10 Q. What else did you mark and why?		
11 A. You know, I questioned the .74 g's. It 12 could be a little bit higher, especially coming up 13 the hill. Just a comment to myself, although on the 14 bridge, it's a fairly flat area. I ended up using 15 .74. I don't do anything with it. Just a note to 16 myself.		
17 Let's see, distance traveled by the tractor 18 trailer. He uses 51 feet. I note a minus one, 19 because, in fact, the kingpin setback is going to be 20 three feet, not two feet, on a 53-foot trailer. It 21 would be too close to the front. So he's got a 22 little -- in fact, Mr. Peters measured it at three 23 feet three inches, consistent with my experience 24 with these types of trailers. So just noting that 25 number. Twenty-three feet tractor to kingpin, I		
1 think I added the 3.5 later, because I believe 2 Mr. Alexander testifies that the rear bumper somehow 3 of the Honda is actually forward of the truck at the 4 time this all is taking place, so I noted that, I 5 think, later.	Page 138	Page 140
6 I put not a parallel shift. When you're 7 considering a tractor trailer making a lane change, 8 or anybody making a lane change, when you're 9 steering at the front of the vehicle, the rear of 10 the vehicle has some delay in terms of the shift. 11 So he's talking about a lane shift of the vehicle.		
12 However, and you will see in my analysis 13 and in the simulations even, that the rear of the 14 trailer is going to lag in terms of its shift. It's 15 not going to come perfectly straight over. So 16 that's the point of that. I was making these 17 comments prior to the deposition, most of these 18 prior to the deposition, so I was questioning the 19 14.58 feet and why he would have added in the length 20 of the car. Post deposition, I understand that's 21 because he's putting a Honda out in front of the 22 tractor trailer despite testimony and despite the 23 other information.		
24 So initially, I was looking at his 25 calculations to see if he shifted based on those		
1 numbers what would happen.		
2 Some of the other notes, the two plus 3.3 3 is just calculating how he got -- I mean, supporting 4 his own numbers trying to figure where he got 5 certain things. The comment about 4.75 seconds, I 6 did a calculation to figure out that if the Honda 7 had made a lane change -- this is even outlined in 8 my report, and certainly my analysis is filed, that 9 if the Honda used its lane, whether it simply moved 10 to white edge line with its right side tires, that 11 would have added the amount of time available for 12 the 2.29 he calculates to the 4.75.		
13 And then the remainder of it -- of the page 14 is simply calculating -- or recalculating those 15 things based upon the 74 feet or other numbers, 16 taking out the length of the Honda and others. This 17 is all predeposition, as I later figured out where 18 he was kind of coming up with these. But I did some 19 math to figure out essentially at -- even at 74 feet 20 by his own calculations, the 2.79 is the calculated 21 time compared to his 2.92 available just counting 22 the steer maneuver, which, even by his own math 23 would say that the Honda would have had time to get 24 out. So those were the purposes.		
25 Q. All right. And then you've underlined		
1 under the Honda avoidance by steering issue, the 2 next to the last sentence, and you have emphatically 3 put B.S. under that.	Page 140	
4 MR. ROZELSKY: Object to the form.		
5 BY MS. MCARTHUR:		
6 Q. Well, had you.		
7 A. I wrote those initials and circled it, yes, 8 next to that.		
9 Q. It looks like you circled it about four 10 times.		
11 A. Okay.		
12 Q. Is that for emphasis?		
13 A. No, just circled it. Again, he's talking 14 about the steering and the fact that the steering 15 would have no effect when, in fact, clearly if you 16 steer one's vehicle to the right as a vehicle is 17 merging in, the amount of time it takes to get the 18 one vehicle to you is going to obviously increase, 19 which is going to absolutely give you more time to 20 do something as opposed to just sitting there and 21 waiting for it to happen.		
22 Q. So you thought his opinion was bullshit?		
23 A. I don't think he's -- no. I -- it's wrong.		
24 It's incorrect.		
25 Q. Is that how you customarily express		

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
141-144

<p>1 yourself --</p> <p>2 A. No.</p> <p>3 Q. -- about other professionals?</p> <p>4 A. I didn't say that, write that. I wrote</p> <p>5 initials.</p> <p>6 Q. Did "B.S." mean something different from</p> <p>7 that?</p> <p>8 A. I don't recall what it meant. I'm</p> <p>9 presuming it probably meant something like that, but</p> <p>10 I don't typically say those words. I simply wrote</p> <p>11 initials.</p> <p>12 Q. You just write initials that mean those</p> <p>13 words; is that right?</p> <p>14 A. I could have.</p> <p>15 Q. It did or didn't it?</p> <p>16 A. It could have. As I said, yes, maybe.</p> <p>17 Q. I mean, what else could it have meant?</p> <p>18 A. I don't recall.</p> <p>19 Q. Give me some options as to what it could</p> <p>20 have meant besides that?</p> <p>21 A. I don't know anything else.</p> <p>22 MS. MCARTHUR: Let's mark the drawings</p> <p>23 as --</p> <p>24 BY MS. MCARTHUR:</p> <p>25 Q. I may have already handed this back to you</p>	Page 141	Page 143
<p>1 because I don't have a little folder, but that may</p> <p>2 be the originals of that. I don't know if it is or</p> <p>3 not.</p> <p>4 A. I don't seem to have a marked folder for --</p> <p>5 is the inspection notes. I have a drawings folder</p> <p>6 that you took from there. I think you did not pull</p> <p>7 out the aerials, or maybe you did. I have the</p> <p>8 folder back for some reason while we were looking at</p> <p>9 stuff. So I have the originals in the front of me.</p> <p>10 MS. MCARTHUR: I think I've got it</p> <p>11 all, but let's mark it Number 10.</p> <p>12 MR. ROZELSKY: You want to mark the</p> <p>13 original?</p> <p>14 MS. MCARTHUR: Yeah, mark the original</p> <p>15 Number 10.</p> <p>16 (PLF. EXH. 10, Photos, was marked for</p> <p>17 identification.)</p> <p>18 BY MS. MCARTHUR:</p> <p>19 Q. Let's go through these. Is Page 1 a</p> <p>20 drawing that you did?</p> <p>21 A. I believe Mr. Peters grabbed these aerials</p> <p>22 in front of them and then provided me the file.</p> <p>23 BY MS. MCARTHUR:</p> <p>24 Q. The Page 2?</p> <p>25 A. Yes, ma'am.</p>	Page 142	Page 144
		<p>1 Q. What is that showing?</p> <p>2 A. It's using the Google imagery. It's the --</p> <p>3 I called it the walking man's. It's ground level</p> <p>4 view taken of those vehicles when they drive</p> <p>5 through. It's off Google. Same with the third page</p> <p>6 as well. The fourth, which is back to the aerial,</p> <p>7 the side aerial off Google.</p> <p>8 Q. So these are satellite photos with these</p> <p>9 cars on them. That's real cars that were on it at</p> <p>10 the time of satellite photos?</p> <p>11 A. I presume, yes.</p> <p>12 Q. And then this one, what is that?</p> <p>13 A. These next -- and I have them grouped in,</p> <p>14 not all bundled together. Actually, they are</p> <p>15 numbered at the bottom. Photo-01 through Photo-11.</p> <p>16 The first number, that six-digit number, is our</p> <p>17 project number.</p> <p>18 Q. Okay.</p> <p>19 A. They're photogrammetry images, so they are</p> <p>20 aerial photographs taken by Mr. Peters that he</p> <p>21 collected and then numbers and call outs on there</p> <p>22 are using photo modeler to create CAD data based on</p> <p>23 the photographs that he collected.</p> <p>24 Q. Then what were the photographs one through</p> <p>25 11 used to produce?</p> <p>1 A. The CAD drawing.</p> <p>2 Q. Where is it?</p> <p>3 A. That would be in the drawing -- actually,</p> <p>4 it's in the next couple pages after. So these</p> <p>5 pictures here, the SEA logo on the bottom corner is</p> <p>6 one of them.</p> <p>7 Q. I'm down to Photo Number 11, and then the</p> <p>8 next thing is this drawing?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. This is the CAD drawing?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And what is shown on this other than the</p> <p>13 highway?</p> <p>14 A. The pavement transition lines, things in</p> <p>15 the road are. There's a mark. There's a gray line</p> <p>16 indicating the tire mark and it's labeled as such.</p> <p>17 And then there's a gouge also noted as estimated</p> <p>18 position on the bridge itself and right bottom</p> <p>19 corner. The drain is also called out, which shows</p> <p>20 up in some of the police photographs.</p> <p>21 I should note that of these photographs,</p> <p>22 these are photos used in the photo modeler. Looking</p> <p>23 back through here, 9, 10 and 11 are actually police</p> <p>24 photographs.</p> <p>25 Q. Right.</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLURE

October 31, 2013
145-148

<p style="text-align: right;">Page 145</p> <p>1 A. As opposed to Mr. Peter's photographs 2 obviously giving vehicles from the officer's point 3 of view.</p> <p>4 Q. The final one that I have, the last thing 5 in this group of pictures is this one that says 6 begin --- it has writing on it on the picture.</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And "begin continuous black tire mark," 9 what does that reference?</p> <p>10 A. For Mr. Peters' drawings that's showing 11 essentially the tire mark being left as a result of 12 the Honda being pulled along by the tandems of the 13 tractor trailer.</p> <p>14 Q. And what is -- right below the "begin 15 continuous black tire mark," there's a light yellow 16 line there.</p> <p>17 A. I'm sorry where are you pointing?</p> <p>18 Q. (Indicating).</p> <p>19 A. With the dots above them?</p> <p>20 Q. Yes.</p> <p>21 A. That is the guardrail, the bridge guardrail 22 plus -- and the metallic guardrail that tapers off 23 toward the top.</p> <p>24 Q. So where is the bridge side on this? It 25 says, begin continuous white marks on bridge</p>	<p style="text-align: right;">Page 147</p> <p>1 A. I don't think he's shown points prior, 2 because there's not going to be roadway evidence to 3 show the full paths. It's simply showing the Honda 4 against the curbing in that location necessarily. 5 It's a curbing location to cause those marks.</p> <p>6 Q. Do you disagree with this depiction in this 7 picture as by Mr. Peters or do you agree with it?</p> <p>8 A. I would probably -- I may do things 9 slightly different. I haven't tried to place them 10 throughout, you know. But, again, we know the Honda 11 is here. We don't know the exact truck's position 12 at that point. He's showing it against it, but 13 there's not -- these truck positions are not. 14 There's no evidence to say -- the roadway evidence 15 to exactly place it. He simply just showing the 16 truck against it.</p> <p>17 Q. What is it showing? It's showing the car 18 against -- or the truck against the car, correct?</p> <p>19 A. He does have them engaged, yes.</p> <p>20 Q. He's got the car halfway off the road at 21 that time, correct?</p> <p>22 A. At that point, yes.</p> <p>23 Q. Yes. And --</p> <p>24 A. It would have to be to contact the curbing 25 and rub the curbing.</p>
<p style="text-align: right;">Page 146</p> <p>1 curbing --</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. -- here on the very first, first block -- 4 the beginning of the truck. And it shows at the 5 spot where the truck is impacting the car.</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. So, does it show the bridge on this 8 picture?</p> <p>9 A. The surfaces of the lanes on the bridge, 10 yes. He has not continued, apparently, in this 11 version of drawing or the drawing period, I guess, 12 the railing of the bridge.</p> <p>13 Q. So he doesn't -- it more or less shows her 14 off the side of the road at the point that the truck 15 is impacting her in this picture down at the bottom 16 right-hand corner, does it not?</p> <p>17 A. It's showing the -- and he's noting that 18 the white marks on the bridge curbing begin there, 19 which, obviously, puts the Honda against such the 20 cause of those marks. So that's where the white 21 marks necessarily are.</p> <p>22 Q. All right. So, he does not reflect her 23 being hit before then, correct?</p> <p>24 A. Well, it's cut off. I mean, it's --</p> <p>25 Q. Where's the rest of it?</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Right. So, Mr. Peters got it right here, 2 didn't he, on this drawing?</p> <p>3 MR. ROZELSKY: Object to the form.</p> <p>4 THE WITNESS: No. I mean, the Honda 5 has to be over there to rub the curb. The 6 truck position at that point I wouldn't show, 7 because it's unknown or I don't believe he's 8 articulated correctly at that point.</p> <p>9 BY MS. MCARTHUR:</p> <p>10 Q. But at any rate, Mr. Peters who is an 11 accident reconstructionist with SEA is who made this 12 drawing and it's in your file, correct?</p> <p>13 A. It is. He made it. I didn't -- you know, 14 I didn't throw it away. I looked at it and 15 considered it, but -- and we even talked about that. 16 He said that he had just kind of approximated the 17 truck positions and there's certain points he got 18 together between the two vehicles, but he has not -- 19 I think if he had to do it over again, he'd leave 20 the truck off there as well.</p> <p>21 Q. Well, let's take these last two sheets -- 22 or actually the last one sheet and we'll mark it as 23 11.</p> <p>24 (PLF. EXH. 11, Diagram, was marked for 25 identification.)</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
149-152

Page 149		Page 151	
1	MR. ROZELSKY: Let the record reflect	1	A. Everybody got a copy.
2	that it was part of 10. It's now been removed	2	Q. Right. 3A is what?
3	and made 11.	3	A. Yes. 3A are some calculations that I
4	MS. MCARTHUR: It will be 11 by	4	performed. It's based on Alexander's calculations.
5	itself.	5	That would be Sean Alexander. I ran through the
6	THE WITNESS: Again, I should point	6	math to show the math and get same basic answers
7	out on this drawing that Mr. Peters would have	7	that he did. So he has the length of the cab at 23
8	done this probably, I think, April of 2012	8	feet, length of the trailer, 51 feet. That's
9	before there's one ounce of testimony or	9	kingpin to the rear.
10	otherwise to support it. He has not updated it	10	So his length of the truck that he
11	since.	11	calculated was 74 feet. He then places the length
12	BY MS. MCARTHUR:	12	of the Honda at 14.58 feet, based upon all the
13	Q. Have you done your own drawing similar to	13	stats. Then he uses the perceptionary reaction of
14	this, Mr. Boggess?	14	1.5 seconds, drag factor of .74.
15	A. For my purposes, no, I have not.	15	And he then, based upon his references,
16	Q. And you have nothing in your record to	16	said that the average lane change is 6.06 seconds
17	reflect that you disagreed with this drawing in	17	for a 11-foot lane change.
18	terms of anything written, do you?	18	Q. Okay.
19	MR. ROZELSKY: Object to the form.	19	A. So by -- I guess the next things are givens
20	THE WITNESS: I mean, I didn't write	20	as well, based on his calculations. Width of lane
21	notes that say, this document is -- I disagree	21	two or middle lane 12 feet, width of lane three is
22	for the following reasons. I simply took his	22	12.2 feet. And then the width of the vehicles are
23	document and printed it as it was provided to	23	over to the right, eight feet and 5.5 feet
24	me.	24	respectively.
25	BY MS. MCARTHUR:	25	So he says that the distance of the point
Page 150		Page 152	
1	Q. Tell me about 3A, B, C and D, if we haven't	1	of contact between two vehicles centered in their
2	already talked about those.	2	lane is going to 5.31 feet. Just again, how much
3	A. Just to make sure, 3A -- I don't have a	3	width is available between them if the vehicle is
4	copy of 3A is -- I don't have a copy of 3A. I have	4	centered.
5	these images. I'm not sure -- 3 --	5	So based upon a linear move, he calculates
6	MR. ROZELSKY: Do you want to hand him	6	that the time to make the lane change, he said 2.92.
7	the originals and have him give you a copy	7	If you plug into raw form, I think 2.925. An extra
8	back? Here I got a copy we can use. I thought	8	decimal place.
9	we made three copies.	9	He then uses a velocity for the Honda,
10	MS. MCARTHUR: I'm sure we probably	10	initially, 50 miles per hour. He shows this
11	did.	11	equation to calculate that braking -- his braking
12	BY MS. MCARTHUR:	12	calculation reduces the vehicle to 23.2 miles an
13	Q. Here's D.	13	hour over the distance of the truck plus the Honda,
14	A. Is this B, just to be sure? Is that --	14	which is at 88.58 feet in his calculations. He says
15	Q. That's A.	15	that the braking time that that consumes, based on
16	MR. ROZELSKY: No, that's A.	16	his calculations, is 1.65 seconds. And then he
17	THE WITNESS: That's A.	17	basically -- I get the impression that he's
18	MR. ROZELSKY: A.	18	basically saying, 1.65 plus 1.5, which is
19	THE WITNESS: We called the single page.	19	perceptionary reaction greater than the 2.92.
20	I'm sorry. Do you want this copy to look at.	20	That's comparing 3.15 and 2.92. Therefore, the
21	MR. ROZELSKY: Yes.	21	accident is unavoidable.
22	THE WITNESS: So 3A is a set of	22	Q. So you're checking his math and making sure
23	calculations that were done.	23	you were doing it as he did it to be sure --
24	BY MS. MCARTHUR:	24	A. Just setting up the equations the same way
25	Q. Just a minute. Okay?	25	he has them and making sure that if I play with

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
153-156

<p>1 it -- you know, my next step is I'm going to change 2 variables based -- 3 Q. Okay. 4 A. -- on the some of the conversations we had 5 earlier. But starting with his math. 6 So as we talked about at length earlier, 7 you know, putting the vehicles abreast of one 8 another, side by side as one another, the following 9 modifications are made. 10 So first I take them nose to nose, so 11 instead of -- that would be just be the length of 12 the tractor trailer. So 74 feet by his numbers, 13 that same calculation, the braking comes out -- he's 14 reduced from the 50 to 29.36, that occupies 1.27 15 seconds. So 1.27 plus 1.5 is 2.77, getting to a 16 value that's less than the time available. So 17 presuming his calculations and my understanding of 18 them, that would say the Honda had time to brake and 19 get out from underneath the tractor trailer from a 20 position nose to nose with one another. 21 Now, the next page considers the effect of 22 the tractor trailer moving slightly faster. As we 23 were talking about in the -- if the Honda is moving 24 or the truck is moving faster, it's going to be 25 easier for a vehicle that's moving slower, since</p>	<p>Page 153 1 length of the trailer back from the kingpin is 2 49.75, so a couple of feet shorter for the overall 3 vehicle. Obviously, a little bit shorter vehicle, 4 it's easier to get out from underneath. And that's 5 kinds of the various calculations you see there. 6 The other thing there I guess I get into 7 is, where's the position of the turn marker? How 8 far forward is it from the rear of the vehicle? So 9 she is kind of eye to eye with that marker to her 10 left. How far does she have to brake to get out 11 from underneath the vehicle. 12 That would place her 32.3 feet away from 13 the rear of the vehicle in terms of being able to 14 break out. So you don't have to brake the 74 feet 15 or 72 feet of the vehicle, you only have to go 32 16 feet. 17 Q. So what is 3B? 18 A. 3B is the relative difference between two 19 objects. If they started off at 50, 50 or 55, 50, 20 so a five mile an hour differential. How long it 21 takes to shift a fixed amount of distance. So 22 basically, the longer the time is, the more distance 23 they shift. So what are the relative positions of 24 the two vehicles? This is a plot from Excel that I 25 set the calculations for.</p>
<p>1 it's inside, to move out from underneath it, because 2 they're going to be moving simultaneously. You 3 know, regardless of the move, obviously over that 4 time frame, the truck has slipped forward of it. 5 Running those numbers, we get to 2.71 6 seconds of time, which, again, is less than that 7 2.92 seconds available per Alexander's calculations. 8 So, again, even with only a mile and-a-half 9 differential in speed, then you should -- the Honda 10 should be able to get out from underneath the 11 tractor trailer and avoid contact altogether. 12 From a steering standpoint, Ms. Little is 13 centered in her lane, as she testified, and given 14 the lane widths as reported by Mr. Alexander, the 15 Honda would have had another 3.3 feet or so to the 16 white edge line. Adding that in, if she shifts over 17 the same time the truck is coming over and is 18 braking -- well, actually, regardless of braking, it 19 would require the truck a time of 4.75 seconds to 20 get over, based on Mr. Alexander's numbers. 21 So again, taking that 2.92 up to 4.75 22 seconds. 23 Now, from Mr. Peters' calculations or 24 measurements, he says that the nose of the truck to 25 the king -- or the fifth wheel is 21.42 feet and the</p>	<p>Page 154 1 Q. 3C is the -- 2 A. 3C and 3D go together. 3D are the inputs 3 and controls that are driving what you see in 3C. 4 And we can go through 3D if we need to, but what 5 I'll hopefully do with these images is describe them 6 and understand what -- and basically describe what's 7 all in 3D. 8 So the first image in 3C is the two 9 vehicles, the tractor trailer and the Honda side by 10 side. The Honda's position is such that the side 11 glass of the Honda's position adjacent to the turn 12 signal on the trailer. There's some 30 some odd feet 13 differential between them. 14 If you look in the -- 15 THE WITNESS: Are yours in color? 16 MR. ROZELSKY: Yes. 17 THE WITNESS: Okay, good. The blue 18 table box, that is the data for the 19 Freightliner cab itself. To the right of that 20 in the gray box is the data for the trailer. 21 The log data. And the green box is for the 22 Honda itself. 23 If you're looking at the little block 24 up here at the top line, the 0.000 is time. 25 So basically time zero, they're side</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
157-160

<p>1 by side. The -- at least in this setup, the 2 Honda and the Freightliner both set at 50 miles 3 an hour, and the Z -- or I'm sorry -- the Y 4 position of the tractor is zero. The Y 5 position of the Honda, which is the lateral 6 position is 12.08 feet to the right. 7 So again, one lane over, centered in 8 its lane, same as Mr. Alexander has talked 9 about. 10 The next page is simply showing that, 11 given a steer maneuver controlled by this table 12 up here -- what I did is I looked and said, 13 okay, I'm going take this tractor trailer 14 through a right turn back to a straight -- 15 basically straighten it back out. It's going 16 to make an 11 -- I believe an 11-foot shift 17 over to 6.06 seconds roughly, based on 18 Mr. Alexander's numbers. 19 But what I'm showing here is 2.95 20 seconds. It has shifted. The tractor has 21 shifted 5.35 feet to the right, which is 22 basically the same thing Mr. Alexander is 23 showing. So that's what the tractor trailer 24 would look like at the end of the time in its 25 lane shift.</p>	<p>Page 157 1 of margin left -- right to left of the rear of 2 the trailer, and it slides out from behind the 3 truck and no contact occurs. And that's for 4 two vehicles starting at 50 miles an hour. 5 The next is if the truck, instead is 6 going 55 miles an hour, and as I said -- and 7 the car started off at 50, obviously the -- 8 that's going to be easier to miss. I'm simply 9 showing that it would be more likely to miss 10 with more margin if it braked in the same 11 manner. 12 The next page is, if I slide the Honda 13 up to the side so that the wheel is adjacent to 14 the step, on the passenger cab of the truck. 15 Two vehicles going 50 miles an hour, running 16 the exact same way. Same steering maneuver, 17 same braking maneuver, 1.5 seconds. And what 18 happens is on the next page, as you can see the 19 truck basically reaches roughly the same point, 20 and the Honda, again, is missing the tractor 21 trailer. 22 Now, the -- actually, that was at 55 and a 23 50 mile an hour split. 24 So, if they're both doing exactly the 25 same speed, 50/50, with one and-a-half seconds</p>
<p>1 One thing to point out here is that in 2 the -- for the trailer, its Y position is 3 almost two feet less than the tractor position. 4 So it's not coming, as we were talking about 5 earlier, parallel shift, it's an angled 6 approach so that someone breaking out from 7 underneath actually has more time and more 8 margin to the vehicle. 9 Now, the next -- third page, instead 10 of just bringing the -- running just the 11 tractor and the trailer together, I basically 12 advanced it to a point where the Honda has gone 13 straight. It's maintained 50 miles an hour of 14 speed -- I'm sorry, no, it hasn't. It's 15 braking. Excuse me. It's braking. It's 16 braking. If you look at the last line down 17 there to the green it's .74 g's in the green 18 box. It's braked under that average 19 acceleration. The brakes are turned on at 1.5 20 seconds after and the truck immediately starts 21 to turn in this scenario. 22 So 1.5 second for perception reaction. 23 Brakes come on, .74 g's. That's what this 24 looks like, essentially, at 3.15 seconds. 25 The nose of the Honda has couple feet</p>	<p>Page 158 Page 160 1 perception, and you're starting from the front 2 of the cab there, this does predict that the 3 rear edge of the trailer would just scrape the 4 left front corner of the Honda. So there would 5 be a slight contact before the Honda escapes 6 out the back. It certainly would be behind the 7 tandem wheels, and you would get scrape on the 8 Honda. 9 Again, that assumes that the Honda 10 maintains a straight path and realistically 11 really doesn't do anything other than brake -- 12 a straight line braking. 13 Now, the next page gets into the steer 14 maneuver, so what I do is I say it's one 15 and-a-half seconds, which realistically it 16 actually ought to be sooner, because if your 17 hands are on the steering wheel, you can steer 18 earlier. But if it steers three feet to the 19 right, this is -- again, I left the truck 20 stationary initially but just moved the Honda 21 out and run it -- you know, it's three feet 22 over in that scenario, and I was playing with 23 how to get the steering maneuver correct to get 24 a three foot lane divergence. 25 I go back to that 50/50 case where the</p>

BRIAN BOGESS, SEA
LITTLE vs. McCLUREOctober 31, 2013
161-164

<p>1 Honda starts up parallel to the side -- or 2 adjacent to the side of the cab. They're both 3 doing 50. If the Honda brakes -- and that's at 4 a slightly less acceleration. It's not even 5 maximum braking, slightly reduced braking and 6 steers to the right those three feet, they 7 missed by several feet in terms of contact. 8 And the last two pages, I go back to 9 the original scenario where the Honda is 10 abreast of the turn signal on the trailer. If 11 we assume that the perception reaction is even 12 slower, instead of saying one and-a-half 13 seconds, lets give her two seconds to react and 14 hit the brakes. Under both scenarios of the 15 50/50 speed and a 55 by the truck, 50 by the 16 Honda, we get a missed condition. 17 So there would be no contact between 18 the two vehicles. 19 Q. Okay. Going back to 4B? 20 A. That's the billings? 21 Q. Yes. You have billed, it looks like only 22 through December 26th of 2012? 23 A. Those are for billings generated. There's 24 obviously -- over the last two weeks here, there's 25 going to be time on time sheets that have not made</p>	Page 161	<p>1 exact number. I mean, obviously I've read all these 2 depositions, gone through Mr. Alexander's file and 3 created these analysis files, so certainly a number 4 of hours have been done. I don't know if it's 10 or 5 20 or more. 6 Q. It's a lot more than what's on these bills; 7 isn't it? 8 A. Yes, ma'am. Certainly for my time. 9 Q. Effectively, I don't really have your bill 10 here because -- 11 A. Well, I don't have a bill. I mean, I 12 haven't generated a bill so I don't have one to give 13 you. 14 MR. ROZELSKY: Since tomorrow is the 15 1st, I'll probably get it tomorrow afternoon. 16 MS. MCARTHUR: Can you attach when you 17 read and sign the deposition? 18 MR. ROZELSKY: Yeah, I'll supplement 19 however you want to do it. I mean, since it's 20 not here and not part of the deposition, I'd 21 rather supplement it to you outside of the 22 deposition. 23 MS. MCARTHUR: Well, to whatever 24 extent it can find its way to get with the 25 others, I would appreciate it.</p>	Page 163
<p>1 the system and/or been billed. So I don't have any 2 bills to be able to produce at this time. I, you 3 know, down the road certainly can get those once 4 they're generated. 5 Q. I mean, all the reading of depositions and 6 all that's been done since then, hasn't it? 7 A. Yes, ma'am. 8 Q. So the majority of your time -- you don't 9 have your bill here for it? 10 A. No, because no billing has been generated. 11 We bill on a 30-day cycle, and most of it has been 12 done in the last 30 days. 13 Q. Do you have a record of the hours? 14 A. I don't, no. 15 Q. Have you compiled the hours yourself? 16 A. I don't. We basically -- we turn in a kind 17 of Excel generated spreadsheet to accounting and 18 they have an accounting system that maintains all 19 that. Until billing is generated, I don't have any 20 way to, I guess, access that other than I guess go 21 through time sheets and pull line items of my 22 time. 23 Q. You don't have any idea how much time 24 you've put in on this? 25 A. I mean, I can guess, but I don't have an</p>	Page 162	<p>1 MR. ROZELSKY: No problem. As soon as 2 I get it, you will get a copy. 3 BY MS. MCARTHUR: 4 Q. Look at Page 4 of your report, please. 5 A. I'm there. 6 Q. It's got the accident report diagram there. 7 A. Yes, ma'am. 8 Q. Do you believe that diagram is not 9 correct? 10 MR. ROZELSKY: Object to the form. 11 THE WITNESS: I mean, it's not a 12 scaled diagram. There are certainly issues 13 with it because of that. I mean, it's for an 14 illustrated general purposes. That's what I 15 take it for. 16 Q. Can you point to anything that you say is 17 just wrong? 18 A. Well, we know when the vehicles get in 19 contact with one another that the -- I mean, it 20 looks like there's a full lane width between the 21 right edge line and the white fog line and what 22 looks like their impression of the guardrail. 23 Clearly that is not accurate. 24 I mean, I take away from this simply that 25 the truck is merging into -- has merged into the</p>	Page 164

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
165-168

<p>1 Honda, and the two vehicles tracked up to rest on 2 the shoulder some distance up the road. 3 MS. MCARTHUR: My understanding is 4 you're not producing him for opinions 5 concerning injuries. 6 MR. ROZELSKY: Correct. 7 BY MS. MCARTHUR: 8 Q. Look at Page 8, Figure 8. 9 A. Yes, ma'am. 10 Q. Is that Mr. Peters in the black? 11 A. I believe Mr. Peters is taking photographs. 12 It looks like Mr. Rozelsky. I may be incorrect. 13 Q. That Kurt. Kurt, Laura and Sean, I 14 believe. Okay. 15 On Page 13, we've already agreed, have we 16 not, that the initial impact between the truck and 17 the car occurred back on the bridge, correct? 18 A. Yes. 19 Q. And how far back on the bridge was the 20 initial impact? I think you told me already it 21 was -- 22 A. You know where the gouge mark is? I think 23 we talked about that. I think about 150 feet, but I 24 didn't have an exact number. 25 As far as the initial contact, it would be</p>	Page 165	<p>1 Q. Okay. Other than Mr. Peters' drawing that 2 I made Exhibit Number 11, you don't have a scaled 3 diagram? 4 MR. ROZELSKY: Object to the form. 5 THE WITNESS: Well, Number 10, the 6 last two pages are diagrams. This within 10 is 7 a scaled diagram of the scene. 8 BY MS. MCARTHUR: 9 Q. But you don't have any drawing done by 10 either Mr. Peters or by yourself that have the 11 measurements of how wide the bridge is, how -- you 12 know, the length of the bridge, the point where the 13 first contact was made, the -- basically, the 14 measurements of all the significant features as far 15 as where it was, where the car was captured by the 16 trailer, you don't have any of that noted? 17 MR. ROZELSKY: Object to the form. 18 THE WITNESS: The data is in here. 19 But, again, this is a CAD file. Every one of 20 these points is X, Y, Z data. So, I mean, I've 21 gone into the CAD file, I have looked at 22 Mr. Peters' notes from the scene as well as the 23 CAD file for comparison. 24 And from my work, I have not -- or as 25 part of my work, I have generated or needed to</p>	Page 167
<p>1 obviously somewhere before that. 2 Q. Somewhere before 150 feet from the end of 3 the bridge? 4 A. Yes. 5 Q. So where you say here that the impact 6 between the Freightliner and its semi-trailer and 7 the Honda occurring in the right lane of I-16 west 8 just prior to the gore point of I-75, that's not 9 right, is it? 10 MR. ROZELSKY: Object to the form. 11 THE WITNESS: I mean, I don't give a 12 dimension. I say just prior. Retaliative to 13 what, it's prior to the gore point. 14 BY MS. MCARTHUR: 15 Q. How far is the bridge from the gore point, 16 the end of the bridge? 17 A. It looks like maybe two dash lines, so 80 18 feet. Again, I'm looking at a photograph. I don't 19 know. I'd have to go back to the CAD file to 20 measure that. 21 Q. So you don't have a scaled diagram here 22 today, do you? 23 A. Aside from what Mr. Peters provided, no. I 24 mean -- well, I do. I mean, Mr. Peters' drawing 25 that we looked at.</p>	Page 166	<p>1 generate the exact measurement of the tire 2 mark, for example. It's not been important for 3 my purposes as asked to do in this case. 4 BY MS. MCARTHUR: 5 Q. So, you've not made a drawings that has 6 those measurements on it? 7 A. Not called out, no. I mean; again, all you 8 do, you open that file and you click on the two 9 points and have it put the measurement. 10 Q. So when I ask you those questions today, 11 though, you can't give me the answers because you 12 don't have a computer in front of you? 13 A. That would correct. 14 Q. So I can't get the answers from you to know 15 what they are in this deposition? 16 A. If you need those numbers from me, no. I 17 can't give you those numbers. Again, for my 18 purposes, it has not been critical to call those out 19 and discuss those. 20 Q. Okay. I'm on Page 13 now. Are you -- 21 okay. The first sentence: "Based on the accident 22 report and testimony, the two drivers involved in 23 this incident -- in the incident are in contention 24 regarding who struck whom first." 25 That's not really in question, is it,</p>	Page 168

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
169-172

<p>1 Mr. Boggess? Mr. McClure struck Ms. Little, didn't 2 he?</p> <p>3 MR. ROZELSKY: Object to the form.</p> <p>4 THE WITNESS: This sentence is not 5 incorrect. I mean, the two drivers are in 6 contention. Obviously, Mr. McClure adamantly 7 disagrees.</p> <p>8 Now, do we both -- in my opinion and 9 my belief here, obviously Mr. McClure did make 10 a left to right lane change and contacted the 11 Civic.</p> <p>12 BY MS. MCARTHUR:</p> <p>13 Q. It's not true that Ms. Little ran up and 14 his Mr. McClure after he had already started his 15 lane change.</p> <p>16 MR. ROZELSKY: Object to the form.</p> <p>17 BY MS. MCARTHUR:</p> <p>18 Q. Is it?</p> <p>19 A. No, I don't see evidence of that.</p> <p>20 Q. You had understood that Miss Smith said 21 that Mr. Hunter had a much better advantage point 22 than did she to testify about what happened in this 23 case, didn't she?</p> <p>24 A. Something to that effect, yes.</p> <p>25 Q. So, then you say: "Assuming that the</p>	<p>Page 169</p> <p>1 discusses.</p> <p>2 Q. Are you familiar with the theory where 3 there is an emergency situation that drivers are not 4 held to the same level of care where there is not an 5 emergency situation?</p> <p>6 MR. ROZELSKY: Object to the form.</p> <p>7 THE WITNESS: I'm not sure what standard 8 you're speaking of.</p> <p>9 BY MS. MCARTHUR:</p> <p>10 Q. Well, that in an emergency situation, such 11 as -- which I'm going ask you to assume this was an 12 emergency as far as Miss Little was concerned. I 13 mean, she could have sped up, she could have slowed 14 down, she could have steered right, she could have 15 done anything of those things potentially, 16 correct?</p> <p>17 A. Those were available to her, yes.</p> <p>18 Q. And sometimes people make the wrong choice 19 in an emergency; isn't that true?</p> <p>20 MR. ROZELSKY: Object to the form.</p> <p>21 THE WITNESS: Some people do, yes.</p> <p>22 BY MS. MCARTHUR:</p> <p>23 Q. And she could have actually hit the gas as 24 hard as she could to try to get out of the way. Is 25 it -- you didn't include that scenario?</p>
<p>1 tractor trailer did merge into the Honda as has been 2 alleged." Well, the tractor trailer did merge into 3 the Honda, didn't it?</p> <p>4 A. Yeah, I'm accepting that. That's why, 5 again, I'm not --</p> <p>6 Q. "The question remains as to whether 7 Ms. Little, the driver of the Honda, contributed to 8 the accident." And that's really what you were 9 asked to determine, wasn't it?</p> <p>10 A. Certainly the main thing, yes.</p> <p>11 Q. That was the main thing?</p> <p>12 A. It seems that way based on my opinions and 13 report, yes.</p> <p>14 Q. And whether Ms. Little had the last 15 reasonable opportunity to avoid the subject 16 accident. That's what you were asked to determine 17 is -- you were asked to find fault on Ms. Little if 18 there was any to be found?</p> <p>19 A. I mean, the first opinion is, how did the 20 vehicles get together, and we talked about 21 positions, and speeds and other things. But 22 secondarily, certainly, yes, the question was 23 whether Ms. Little had the opportunity to do 24 something about the accident and avoid it. That's 25 what the majority of the remainder of this report</p>	<p>Page 170</p> <p>1 MR. ROZELSKY: Object to the form.</p> <p>2 BY MS. MCARTHUR:</p> <p>3 Q. Did you?</p> <p>4 A. Based on the positioning and the -- what is 5 in my report is what I considered at this point. I 6 can consider other scenarios, but --</p> <p>7 Q. Well, I mean, if she was back at the center 8 of the trailer and he's merging over and she decided 9 to hit the gas and try to go around the front, she 10 wouldn't have made it, would she?</p> <p>11 MR. ROZELSKY: Object to the form.</p> <p>12 THE WITNESS: I'd have to run that 13 calculation.</p> <p>14 BY MS. MCARTHUR:</p> <p>15 Q. That's why you hadn't made it, isn't it, 16 because he was coming over and she would have ended 17 up not making it around him, correct?</p> <p>18 MR. ROZELSKY: Object to the form.</p> <p>19 THE WITNESS: Well, she said she did 20 nothing in the incident in the terms of 21 reaction. She didn't accelerate. She didn't 22 decelerate.</p> <p>23 But, ultimately, she's put herself 24 next to the trailer. She ends up contacting up 25 front. So without doing anything, she's</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
173-176

<p>1 already made it that far.</p> <p>2 There may be the opportunity to final</p> <p>3 analyze it, if she accelerates she could miss.</p> <p>4 BY MS. MCARTHUR:</p> <p>5 Q. So you're saying she put herself there.</p> <p>6 You're saying that in her testimony or --</p> <p>7 A. She places herself next to the trailer,</p> <p>8 meaning that she's looking -- as we talked about,</p> <p>9 she's looking at the turn signal. So she</p> <p>10 articulates where she was relative to the trailer</p> <p>11 when this starts.</p> <p>12 Q. You're not meaning to say that she drove up</p> <p>13 beside him. You're meaning to say that when she's</p> <p>14 talking about it, she says I was here.</p> <p>15 MR. ROZELSKY: Object to the form.</p> <p>16 THE WITNESS: Correct.</p> <p>17 BY MS. MCARTHUR:</p> <p>18 Q. You understood, did you not, Mr. Boggess</p> <p>19 that Ms. Little, once she realized that her car was</p> <p>20 captured and she had no steering capability anymore,</p> <p>21 that's when she left the driver's seat?</p> <p>22 MR. ROZELSKY: Object to the form.</p> <p>23 THE WITNESS: Certainly the point of</p> <p>24 capture occurred on the bridge as we talked</p> <p>25 about. And obviously, until the bridge --</p>	<p>Page 173</p> <p>1 tried to figure out the timing at this point.</p> <p>2 Q. That's a reaction -- that's perception on</p> <p>3 reaction, isn't it?</p> <p>4 A. An eventual one, after -- as you're asking</p> <p>5 me to assume, after she's already been captured,</p> <p>6 trapped by the truck.</p> <p>7 Q. By the way, how fearful or how scared for</p> <p>8 their life does a person have to be to leap out of a</p> <p>9 moving vehicle being dragged by a truck, in your</p> <p>10 opinion?</p> <p>11 MR. ROZELSKY: Object to the form.</p> <p>12 THE WITNESS: I don't have an opinion</p> <p>13 to that.</p> <p>14 BY MS. MCARTHUR:</p> <p>15 Q. You agree me, don't you, that she had to</p> <p>16 have thought she was going to die or she would not</p> <p>17 have not jumped out of that car?</p> <p>18 MR. ROZELSKY: Object to the form.</p> <p>19 THE WITNESS: She has to, obviously,</p> <p>20 have some amount of fear, but I don't have any</p> <p>21 way to quantify that.</p> <p>22 BY MS. MCARTHUR:</p> <p>23 Q. And it was a judgment call on her part</p> <p>24 whether to do anything or nothing to try to avoid</p> <p>25 the truck, wasn't it? She didn't know what to do is</p>
<p>1 until the guardrail shifts over, she doesn't</p> <p>2 have the space to jump out.</p> <p>3 Once she's made that decision, it</p> <p>4 would have been obviously sometime before, and</p> <p>5 it's going to take her some time to get out of</p> <p>6 the driver's seat, across the vehicle and get</p> <p>7 the door open.</p> <p>8 BY MS. MCARTHUR:</p> <p>9 Q. Well, at the point that her car is being</p> <p>10 controlled by the truck, it doesn't really matter</p> <p>11 though, does it?</p> <p>12 MR. ROZELSKY: Object to the form.</p> <p>13 BY MS. MCARTHUR:</p> <p>14 Q. It's not a function -- you're not saying</p> <p>15 that her car was loose from the truck and that she</p> <p>16 then left the driver's seat, are you, in your</p> <p>17 testimony -- or in your report here?</p> <p>18 A. I don't believe I've said that in this</p> <p>19 report, no.</p> <p>20 Q. Are you making the assumption that she left</p> <p>21 the driver's seat before she was actually captured</p> <p>22 by the back trailer wheels?</p> <p>23 A. I haven't tried to determine that at this</p> <p>24 point. I just simply know that she did leave the</p> <p>25 driver's seat and make the decision. I have not</p>	<p>Page 174</p> <p>1 what she testified, correct?</p> <p>2 A. At some point, she comes to that</p> <p>3 realization, or she makes that assumption.</p> <p>4 Q. Right.</p> <p>5 A. Again, we're talking about two different</p> <p>6 things; the decision to jump from the vehicle after</p> <p>7 becoming entrapped versus the decision or lack of</p> <p>8 decision to do anything when this truck starts to</p> <p>9 merge over at you. So, I mean, there's two separate</p> <p>10 events almost.</p> <p>11 Q. Both are judgments made in the height of</p> <p>12 an emergency, aren't they?</p> <p>13 MR. ROZELSKY: Object to the form.</p> <p>14 BY MS. MCARTHUR:</p> <p>15 Q. From her perspective.</p> <p>16 A. They're two separate decisions, yes.</p> <p>17 Q. But you're not saying that -- you know, she</p> <p>18 actually testified in her deposition as soon as her</p> <p>19 vehicle was under the control of the truck back at</p> <p>20 the trailer tires, that's when it was captured</p> <p>21 there, that's when she left the seat?</p> <p>22 MR. ROZELSKY: Object to the form.</p> <p>23 BY MS. MCARTHUR:</p> <p>24 Q. Didn't she?</p> <p>25 A. I'd have to look back at that. I don't --</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
177-180

<p>Page 177</p> <p>1 I'd have to look at when she made the decision to -- 2 she says: "As soon as he hit me, my phone flew out 3 of my hand into the windshield. He hit me so hard 4 he had control of my wheel. And once I noticed 5 that, I looked right and there was three to four 6 feet between my passenger door and the guardrail. I 7 climbed over and jumped."</p> <p>8 Q. Look at Page 45, Line 22, okay? The 9 question: "How do you know it had control -- the 10 tractor trailer impact had control of your wheel?" 11 "Because my car was doing exactly what his truck was 12 doing?" That's what --</p> <p>13 A. Where are you reading that from, sorry? 14 Q. The bottom of Page 45. 15 A. Okay.</p> <p>16 MR. ROZELSKY: Was there a question 17 for me to object to or were you just reading? 18 MS. MCARTHUR: I'm trying find where 19 she said control.</p> <p>20 BY MS. MCARTHUR:</p> <p>21 Q. Okay. Here it is. So she defines -- Page 22 45, Line 22: "How do you know it had control? The 23 tractor trailer impact had control of you?" 24 "Because my car was doing exactly what his truck was 25 doing." Okay. You saw that?</p>	<p>Page 179</p> <p>1 BY MS. MCARTHUR: 2 Q. And that's -- 3 A. It has control, but she's not seeing if she 4 can do anything about it. 5 Q. At any rate, the point where the truck has 6 control of her vehicle is when it's resting against 7 the trailer tires at the back, correct? 8 A. From her testimony, she indicates that the 9 guardrail space is opened up and that's when she 10 makes the decision. So that would be after the 11 bridge and after entrapment at the back of the 12 wheels. 13 Q. We've already agreed that she was against 14 the trailer wheels still on the bridge there. 15 A. Which is what I hopefully just articulated, 16 but, yes. She was entrapped before she left the 17 bridge. 18 Q. And that's when she left the driver's seat 19 to jump out? 20 A. That's what she testifies to, yes. 21 Q. So it's not a function of her car becoming 22 loose and the truck hitting her back and forth, and 23 while her car is still loose she jumps into the 24 passenger seat to open the car and jump out, 25 correct?</p>
<p>Page 178</p> <p>1 A. Yes. 2 Q. Going back to Page 44 at the bottom of the 3 page, the last -- Line 19: "And when he hit me, he 4 hit me so hard he had control of my wheel. As soon 5 as I noticed that he had control of my wheel, I 6 looked over to my right and there was about three or 7 four feet between my passenger door and the 8 guardrail, because right passed the bridge comes the 9 guardrail and, like, extends to the right. And when 10 he hit me hard enough to where or -- when I jumped 11 out -- let me says this. Okay? Right before I 12 jumped out, I looked over and there were three or 13 four feet between the passenger door and the 14 guardrail. Well, when I -- when he get me, I 15 climbed over, I looked over, okay -- let me start 16 over."</p> <p>17 She goes again. But what she's saying is 18 once the truck had control of her car, that's when 19 she decided to jump out, correct? 20 MR. ROZELSKY: Object to the form. 21 THE WITNESS: Yeah, her testimony 22 speaks for itself. She thinks it has control. 23 You know, Page 46, the question: "Did you at 24 any point try to steer to the right to pull 25 free from the truck?" "No."</p>	<p>Page 180</p> <p>1 MR. ROZELSKY: Object to the form. 2 THE WITNESS: Obviously, that's not 3 her testimony, no. 4 BY MS. MCARTHUR: 5 Q. So you didn't mean to describe a situation 6 where she leaves the driver's seat and her vehicle 7 is still in the process of moving backward to hit 8 the trailer wheels, did you? 9 A. I don't think I said that, no. 10 Q. Okay. 11 A. Maybe -- again, the reactions that I'm 12 talking about are all before the first point of 13 contact even. I mean, it's the -- generally 14 speaking, it's the -- you know, while the truck -- 15 the amount of time the truck takes to make a lane 16 change and her lack of reaction to that. 17 Q. Why do you think that Mr. McClure didn't 18 see her? 19 MR. ROZELSKY: Object to the form. 20 THE WITNESS: Blind spot, watching 21 traffic, you know, missed him. 22 BY MS. MCARTHUR: 23 Q. You don't know? 24 A. I don't know. It happens every day to 25 people. You start merging over, and people miss</p>

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
181-184

<p>1 seeing them in their blind spot. I can only imagine 2 on a tractor trailer.</p> <p>3 Q. As far as use of the cell phone, do you 4 know that that's against the North Carolina 5 Driver's -- Commercial Driver's Manual?</p> <p>6 MR. ROZELSKY: Object to the form.</p> <p>7 THE WITNESS: I haven't looked that up 8 specifically.</p> <p>9 BY MS. MCARTHUR:</p> <p>10 Q. Are you any kind of authority or expert on 11 trucking regulations?</p> <p>12 A. I have certainly researched and probably 13 testified to some of them at one point or another 14 when asked.</p> <p>15 Q. It's true that Mr. McClure was supposed to 16 be drug and alcohol tested within a short period of 17 time after this wreck, isn't it?</p> <p>18 MR. ROZELSKY: Object to the form.</p> <p>19 And again, it goes beyond the scope of what 20 we've identified him for.</p> <p>21 THE WITNESS: I have not 22 re-researched. I've looked into that in the 23 past on other cases, but I've not -- I don't 24 know the rule of thumb on that as we sit here. 25 I'd have to look that up.</p>	<p>Page 181</p> <p>1 the regulation.</p> <p>2 Q. You understand he was not tested within 3 eight hours, don't you, for alcohol?</p> <p>4 A. From his deposition, I believe he testified 5 as that, so that's the extent of my knowledge of 6 that.</p> <p>7 Q. At the -- on Page 16 of your report, you go 8 into saying that you're going to be reviewing the 9 deposition transcript of David Strayer, and that you 10 may do all sorts of things. And this is my time to 11 depose you and to see and know what you're going to 12 testify to, and what you're going to prepare or what 13 you have prepared. And have you produced to me all 14 of your opinions and what you have prepared in this 15 case?</p> <p>16 A. Today, yes, ma'am. I mean, I don't -- my 17 entire file is before you here. And as we sit here, 18 I don't know of any necessarily additional work 19 beyond possibly outputting those video files that 20 you've asked for from the simulation.</p> <p>21 So if we leave here and Mr. Rozelsky asks 22 for something else, I may do that.</p> <p>23 Q. It say you may prepare demonstrative 24 exhibits. Have you prepared any demonstrative 25 exhibits?</p>
<p>1 BY MS. MCARTHUR:</p> <p>2 Q. You don't know how long the person -- how 3 long it is after the wreck that a person with 4 injuries and a person is supposed to -- or a truck 5 driver is supposed to be tested?</p> <p>6 MR. ROZELSKY: Object to the form.</p> <p>7 THE WITNESS: Not as we sit here. I 8 mean, I know there's different -- I recall 9 different rules for fatalities versus no injury 10 versus some injury, but, again, I'd have to 11 look at the rules to know for sure. I haven't 12 been asked to do that in this case, so I'm not 13 offering opinions as to that.</p> <p>14 BY MS. MCARTHUR:</p> <p>15 Q. Well, without even being asked, you know 16 that truck drivers, where serious injuries occur, 17 are supposed to be drug and alcohol tested, don't 18 you?</p> <p>19 MR. ROZELSKY: Object to the form.</p> <p>20 THE WITNESS: Again, I'd have to look 21 it up.</p> <p>22 BY MS. MCARTHUR:</p> <p>23 Q. You don't know?</p> <p>24 A. In some cases, yes. I'd have to look up 25 the circumstance and look at -- I have to go over</p>	<p>Page 182</p> <p>1 A. Not outside of what's in my file here, no.</p> <p>2 Q. Have you reviewed this David Strayer 3 deposition?</p> <p>4 A. My understanding is that transcript is not 5 available yet, so, no.</p> <p>6 Q. Do you feel you need to do additional work 7 in this case?</p> <p>8 A. Not at this time.</p> <p>9 MS. MCARTHUR: I think that's 10 everything.</p> <p>11 MR. ROZELSKY: I have no questions.</p> <p>12 THE COURT REPORTER: Would you like a 13 copy, Mr. Rozelsky?</p> <p>14 MR. ROZELSKY: Yes, ma'am.</p> <p>15 MS. MCARTHUR: Let me do one thing.</p> <p>16 BY MS. MCARTHUR:</p> <p>17 Q. You have reviewed Sean Alexander's 18 deposition, Officer Williams, Lorraine Smith, Alonzo 19 McClure, the complaint, you've got some references 20 which are in your report. You've got the SEA 21 photos. You've got the Hunter affidavit, you have 22 the Lindsey Little deposition, the police photos, 23 the accident report, your report, you have 24 deposition summaries, you have the drawings, you 25 have the ECM report, you have the -- some papers</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
185-188

<p>1 about setting up this deposition with me, you have 2 the Sean Alexander report, you have the inspection 3 notes from Mr. Peters, and you have the vehicle 4 specs. Is that everything that you've reviewed?</p> <p>5 A. You have Sean Alexander's report?</p> <p>6 Q. All the things that were marked as 7 exhibits, and you have the complete Sean Alexander 8 file.</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. What is this analysis file?</p> <p>11 A. That is what you pulled the other analysis 12 materials out of for the -- 3A, B, C, D, I believe 13 all came out was there. There's three -- there's 14 two PowerPoints at the end and crush profiles that 15 we were talking about that Mr. Peters did based on 16 photo modeling.</p> <p>17 And then the first packet is excerpts from 18 the police reports, the vehicle specs, and then some 19 crush analysis calculations that don't end up 20 getting used ever based on my report, the initial 21 crush analysis.</p> <p>22 Q. Well, I'd like to have these marked?</p> <p>23 A. You want to mark that as 3E to keep them 24 with the analysis.</p> <p>25 BY ES. MCARTHUR:</p>	<p>Page 185</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 187</p> <p>1 MR. ROZELSKY: Let's do a clean 2 version of 2. 3 (The deposition was concluded at 2:45 p.m.)</p>
<p>1 Q. 3E. Okay.</p> <p>2 A. Because that all came out of the analysis.</p> <p>3 MR. ROZELSKY: Is that everything?</p> <p>4 THE WITNESS: Yes.</p> <p>5 MS. MCARTHUR: I hope so.</p> <p>6 (PLF. EXH. 3E, Definition of 7 vehicles, was marked for identification.)</p> <p>8 MR. ROZELSKY: I just want to put one 9 thing on the record, and that is the one 10 original, which is I believe Exhibit 2, the 11 handwritten notes on it are handwritten notes 12 of counsel and were not out of the original 13 file. I just want to make sure we're clear.</p> <p>14 MS. MCARTHUR: Do you want to 15 substitute one that doesn't have it?</p> <p>16 MR. ROZELSKY: Oh, we can do that.</p> <p>17 Yeah, that's easier.</p> <p>18 MS. MCARTHUR: Why don't we substitute 19 one that doesn't have my notes on it.</p> <p>20 THE WITNESS: Make that 3?</p> <p>21 MR. ROZELSKY: You want to make that 3 22 and we'll -- have her mark that as -- isn't 23 that 2?</p> <p>24 THE WITNESS: That's 2.</p> <p>25 MS. MCARTHUR: That's Number 2.</p>	<p>Page 186</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 188</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

BRIAN BOGESS, SEA
LITTLE vs. McClure

October 31, 2013
189-192

Page 189		Page 191
1	Page No. _____ Line No. _____ Change to:	1 CERTIFICATE OF REPORTER
2	_____	2 SOUTH CAROLINA:
3	Reason for Change: _____	3 GREENVILLE COUNTY:
4	Page No. _____ Line No. _____ Change to:	4
5	_____	5 I hereby certify that the foregoing deposition
6	Reason for Change: _____	6 was reported, as stated in the caption, and the
7	Page No. _____ Line No. _____ Change to:	7 questions and answers thereto were reduced to the
8	_____	8 written page under my direction; that the foregoing
9	Reason for Change: _____	9 pages represent a true and correct transcript of the
10	Page No. _____ Line No. _____ Change to:	10 evidence given. I further certify that I am not in
11	_____	11 any way financially interested in the result of said
12	Reason for Change: _____	12 case.
13	Page No. _____ Line No. _____ Change to:	13 Pursuant to Rules and Regulations, I make the
14	_____	14 following disclosure:
15	Reason for Change: _____	15 I am a South Carolina Certified Court Reporter.
16	_____	16 I am here as an independent contractor for Huseby,
17	_____	17 Inc.
18	_____	18 I was contracted by the offices of Huseby, Inc.
19	_____	19 to provide court reporting services for this
20	_____	20 deposition. I will not be taking this deposition
21	_____	21 under any contract.
22	_____	22 I have no written contract to provide reporting
23	_____	23 services with any party to the case, any counsel in
24	_____	24 the case, or any reporter or reporting agency from
25	_____	25 whom a referral might have been made to cover this
Page 190		Page 192
1	Page No. _____ Line No. _____ Change to:	1 deposition. I will charge my usual and customary
2	_____	2 rates to all parties in the case.
3	Reason for Change: _____	3 This, the 15th day of November 2011.
4	_____	4
5	Page No. _____ Line No. _____ Change to:	5
6	_____	6
7	Reason for Change: _____	7
8	_____	8
9	Page No. _____ Line No. _____ Change to:	9 Sharon G. Hardoon
10	_____	10 Court Reporter, Notary Public
11	Reason for Change: _____	11 My commission expires:
12	_____	12 April 7, 2018
13	Page No. _____ Line No. _____ Change to:	13
14	_____	14
15	Reason for Change: _____	15
16	_____	16
17	SIGNATURE: _____	17
18	Sworn to and Subscribed before me	18
19	_____ Notary Public.	19
20	This _____ day of _____, 2013.	20
21	My Commission Expires:	21
22	_____	22
23	_____	23
24	_____	24
25	_____	25

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: \$4,580.45..20th

	159:17	11-foot	131:13	139:21
\$	1.65	151:17	150 55:20	152:6,19,
	152:16,18	157:16	165:23	20 154:7,
\$4,580.45	1/16/13	11/27/2012	166:2	21
125:8	82:22	84:8	15th	2.925
	1/3/13	11:01	125:25	152:7
-	83:15	101:16	16 183:7	2.95
	1/31/13	102:4,19	16,000	157:19
-	82:11	11:05	131:13	2/14/13
calculation	10 83:23	101:15	16th	82:2
s 152:16	112:8	102:20	129:11	20 22:4
	132:22	11:07	17 78:16	163:5
0	133:9	101:17	18 112:8	2000 25:7,
	142:11,	102:5		14
0.000	15,16	11:35	19 178:3	2001 24:21
	156:24	54:11		25:19
01 6:2,3,5	144:23	11:39	1:02	28:25
	149:2	54:11	119:24	
07 6:5	163:4	11:50	1:08	2007 116:5
	167:5,6	101:23	119:25	
116:8,23	10/17/12	12 122:19	1st 37:11	2008 5:11,
08 117:8,9	84:20	151:21	163:15	18 13:4
09 115:25	100 56:7	156:12		31:18
116:1,3,	58:8,14,	12.08	2	115:24
25 117:1	24 59:1,	63:13		
	4,7,20,23	157:6		2011 88:13
1	10:28 99:3	12.2	2 13:3	2012 83:23
		151:22	37:10	125:20,
1 4:24 5:2	10:57:54	12/19/12	83:13	23,25
41:13,16	98:15	122:15	131:5,7,	128:13
130:22	99:12	124:25	17 142:24	129:11
131:5,7,9	100:14	125:2	187:2	132:19,
142:19	103:7	13 165:15	2.0 137:4	20,24
1's 131:10	10:58	168:20	2.29	133:4,5
1.27	103:5	14.58	128:14	149:8
		138:19	139:12	161:22
153:14,15	10:59 99:4	151:12		
1.5 136:14	11 143:25	157:16	2.71 154:5	2013 37:11
137:2,6,8	144:7,	157:22	2.77	41:18
151:14	148:23,24	167:2	153:15	42:11
152:18	149:3,4	125:23	2.79	43:10
153:15	157:16		139:20	78:16
158:19,22	167:2			20th
				132:20

BRIAN BOGESS, SEA
LITTLE vs. McCLURE

October 31, 2013
Index: 21.42..8

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: 8/1..adjusters

135:1	ability	22:2 24:4	122:20	actively
165:8	96:17	25:16	123:21	5:21
8/1 42:11	abrasions	26:12,13, 15 28:20	127:11	actual
8/19/13	51:22	29:9,12	130:16	13:18
40:6	abreast	30:2,9,23	131:24	93:8
80 166:17	73:23	31:1,23	148:11	127:15
	78:3	34:11,15	152:21	130:21
80/20	153:7	35:25	164:6	
115:21	161:10	36:15	168:21	ADA 33:19
85th 137:7	absolutely	37:1,13, 16,18	24 184:23	adamant 49:21
88.58	140:19	38:21	accidents	adamantly
152:14	accelerate	40:7,8, 72:16	5:22	169:6
9	172:21	10,11,12, 13,16	14:16	
	accelerates	42:4	23:25	add 115:21
9 135:14, 15 144:23	173:3	43:16	25:3,5,24	130:11
	acceleratin	53:13	26:14	added
9/10/13	g 45:6	56:22	29:20,21	36:24
39:15	65:10	57:8	33:9	37:2
9/16/13	69:8	78:1,21	36:5,15, 21	115:15
38:20	73:18	79:13	accordance	138:1,19 139:11
	acceleratio	80:2,23	4:3	Adding
90 114:18	n 158:19	81:2,23	account	154:16
911 93:10	161:4	82:6	92:22	addition
98:5,14, 22 99:1, 10,20,24	acceleratio	83:1,11, 16,20	accounting	5:6
103:7	ns 38:18	84:9	111:3	additional
	acceptable	85:10,21	162:17,18	183:18
95 114:18	109:16, 23,25	87:24	accurate	184:6
99 6:2,3	110:2	88:3	102:21	adds
24:21	accepting	89:23	103:18,19	136:11
25:7,14, 18 28:25	170:4	90:19,24	164:23	adjacent
9th 41:17	access	92:19	Acre 90:3,	84:12
	162:20	93:9	5,6	156:11
	Accessing	99:23	act 47:6	159:13
A	14:8	100:2,3	50:17	161:2
	accident	101:6,10, 22,23	ACTAR 22:8	adjusters
a.m. 82:25	5:9,13, 15,17,24	102:18,20	8:24	
99:3	14:6	106:13	action	12:10
abide 49:2	18:17	113:6,14, 15 114:2	40:12	31:9
		115:9	41:4 42:5	32:2,8,22
		116:7	activated	33:7
		117:13	70:8	34:2,6,23

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: administrative..appears

administrative	affirmative	183:3	allowing	139:8
	ly 106:3		99:23	163:3
134:18,20	Alexander		122:24	185:10,
	afternoon	119:18		11,19,21
admitted	163:15	120:19	alongside	
98:1	aggressive	134:15	55:25	analyze
admittedly	76:9	135:4,15	69:11	30:15
106:12	agree	138:2	74:7	173:3
admitting	145:13	151:5	105:10	and-a-half
44:12	46:16,20	154:14	Alonzo	18:1 93:8
advanced	47:3,15	157:8,22	184:18	113:19
82:4	48:9	185:2,7	altogether	132:3
158:12	50:2,	Alexander's	154:11	154:8
	51:6	135:14		159:25
advancing	61:13	151:4	Aluminum	160:15
9:15	66:24	154:7,20	85:19	161:12
advantage	67:3	157:18	American	and/or
169:21	94:8,9	163:2	23:16	32:2 39:1
	108:24	184:17	amount	66:11
aerial	120:9	185:5	44:13	162:1
143:6,7,	147:7	allegations	47:1	Anderson
20	175:15	42:19	69:14	86:14
aerials	agreed	91:25	90:9	Andy
142:7,21	165:15	118:22	139:11	42:14,25
aerospace	179:13	alleged	140:17	
36:10	ahead	38:1	155:21	angled
affect	61:14,18	39:3,9,20	175:20	158:5
43:4	66:15	43:7	180:15	answering
79:15	97:10	81:3,24	ample	78:12
affected	aiding	82:7	87:24	answers
42:21	85:22	83:21	analqsis	151:6
affects	aimed	90:1	185:24	168:11,14
14:1	108:1	170:2	analysis	anymore
21:10	air 23:22	Alliance	14:23	52:24
affidavit	39:21	8:22 9:5,	15:5	173:20
60:13,14	airbag	10:11	28:18,21	apparently
63:13,25	28:3,19	11:10	30:2	92:17
66:3	al.s 81:19	12:4	32:17	116:2
76:16	alcohol	allowed	33:3 84:6	124:16
184:21	44:13	11:20	118:21	146:10
affiliation	80:14,15	49:5,9	126:6,	appears
s 35:15	181:16	74:23	127:10	56:7
	182:17	75:4	136:1,20	125:22
		121:18	137:4	130:6
			138:12	

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: appliance..avoided

appliance	area	45:7,	assessing	99:1,2,13	35:7
	36:14	8 51:19	40:11	103:10,25	audiences
applicability		56:13	83:10	104:23	34:13
91:2		60:10	96:25	105:4,7,	
applicable		64:14		15 106:14	audio
30:17		92:24	assessment	169:25	99:10
		93:17	25:12		
application		94:12	26:19	assumption	August
12:2		121:17		77:23	41:17
30:11	arm	137:14	assigned	95:13	Austin
applied	articles	39:18	129:14	174:20	124:19
11:20		28:6,23	assignment	176:3	125:7
21:6		121:10		astronomica	authority
24:25	articulate	128:22		1 112:11	181:10
		129:11		Atlanta	automatic
applies		74:8	assist	33:6	39:17
46:18		92:21	36:4	121:17	
apply	articulated		assistant	attach	automatrical
11:25		63:12	24:24	163:16	ly 132:13
appreciable		65:17	134:18,20	attached	automobile
132:13		148:8		15:5	5:21
approach		179:15	associate	28:24	
158:6		173:10	37:17	76:12	36:5,20
approaches	articulatio		Association	93:16	
41:22	n	38:7	33:22	attempted	automotive
approaching	ascribes		assume	75:14	6:1,6
43:24		96:6	49:22,24	88:1	21:7
60:9	asks		50:4	111:9	27:10,11,
66:25		183:21	60:5,17	11:9	24 35:16,
67:5	aspect		76:24	attempting	21 135:8
appropriate		97:13	77:2	83:18	average
ness		100:24,25		attended	137:8
86:7		41:9	101:5	21:14	151:16
91:2		44:23	103:19,21	36:1,2	158:18
approved		89:9	171:11	attention	avoid
12:2	aspects		175:5	80:19	74:17
approximate		assumes		94:22,25	107:14
d	25:6	99:18		95:2	119:20
148:16	45:11	160:9		108:10	154:11
	104:22			attorney	170:15,
April	assess		assuming	34:23	175:24
132:24		53:3 63:4		attorneys	avoidance
134:4	47:25	76:11		8:25 9:21	140:1
149:8	79:14	77:24		12:11,22	avoided
	107:23	95:8		33:14,22	44:8
Arch	85:19	109:5			

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: aware..biomechanics

aware	9:7	161:8,19	151:4,12,	119:12	bill
	12:13	165:17,	15,20	begin	122:1,5,
	18:15	166:19	152:5,15	145:6,8,	13,15
	20:25	172:7	153:2	14,25	125:7,16
	23:14	174:22	154:20	146:18	162:9,11
	96:21	176:19,25	157:17		163:9,11,
Axial		178:2	168:21	beginning	12
	28:12	179:7,11,	170:12	17:6	
		22	172:4	146:4	billed
axle	56:21	background	185:15,20	begins	122:20
		18:18	basic	70:4	161:21
		22:15	22:13		162:1
		Backing	55:8	begun	billing
B.S.	140:3	90:13	151:6	behalf	129:16
	141:6	backward	basically	81:16	162:10,19
back	5:25	180:7	21:8	88:18	billings
	29:14		22:9,22	115:13	125:21
	52:22	bags	30:14	behavior	126:5
	53:24	23:22	38:10	42:6	161:20,23
	54:15	bails	39:11	72:15	bills
	56:8	43:23	40:10	94:14	9:25
	58:5,23	ballistic	41:23	belief	162:2
	59:1,5	26:20	42:16		163:6
	61:25	27:24	43:5 58:1	50:3	Biltmore
	64:14		64:2	124:2	83:24
	66:20	bar	80:10,17	169:9	
	76:16	44:12	129:16	believes	bio
	82:12,	barrier	152:17,18	50:1 96:7	10:13
	83:18	40:20	155:22	biography	
	91:17	Barton	156:6,25		
	107:14	39:17	157:15,22	believe	10:8,10,
	121:5,8	based	158:11	107:25	16
	125:22	17:17	159:19	belt	biomechanic
	126:3	26:19	162:16	88:3	al
	129:17	38:7	167:13	belts	32:17
	131:6	77:10	basing		33:3,8
	135:11	98:23	19:3		34:16
	141:25	111:25	basis		37:17
	142:8	114:20,22	8:16	bicyclist	43:6,14
	143:6	119:1,7	beacon		
	144:23	125:4	71:20		biomechanic
	150:8	137:6	136:16	big	s
	155:1	138:25	began	70:23	24:25
	157:14,15	139:15	44:2	71:19	25:11
	160:6,25	143:22	60:16,23	biggest	27:21
			61:5	88:4	33:23
				biker	36:1
					81:3,23
					82:7
					83:6,21
					90:25

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: bit..CAD

113:15	54:13	brain	96:9	155:14	brokers
bit	96:23	brake	53:5	breakdown	12:11
137:12	72:8		72:16	115:17	brought
155:3	74:11		112:8	breaking	79:8
	97:3		130:15,	158:6	88:15
black	100:10		17, 23	Brent	132:9
145:8, 15	103:24		131:5, 7,		brush
165:10	105:19		9, 10, 17		39:18
Blakemore	109:17		134:8, 10	Brian	140:22
85:6, 8	120:2		153:18		bullshit
blew	127:20		155:10, 14	bridge	bumped
91:9	149:14		160:11		57:24
blind	169:1	braked			bumper
48:15	173:18		53:18, 19,		bundled
63:10		bottom	89:7	20, 22	138:2
96:4	29:4 30:3		158:18	54:16, 20,	143:14
180:20	130:25		159:10	22, 23	business
181:1	143:15	brakes		25 59:8,	37:24
blinding	144:5, 18		55:3, 24	107:5	Butler
88:6	146:15		123:12,	18, 21, 22	90:12, 17,
blindness	177:14		158:19, 23	60:9	19
95:17, 23	178:2	braking	161:3, 14	68:21	button
97:4, 8				94:12	103:2
block	bounced		17:3	110:4	
146:3	58:18		29:19	137:14	
156:23	bouncing		30:8, 13,	144:18	
	57:16, 19		24 31:2	145:21,	C
	58:3		32:14	24, 25	
blue	45:5		45:5		
39:1,	bounds		73:13		
5 156:17	.111:24		89:5, 6		
Blythe	Bowerman		111:10		
38:25	91:14, 15,		112:15, 17	146:7, 9,	C-i-r-e-n
boat	18 92:2		152:11, 15	12, 18	26:9
89:17, 21,	box		153:13	165:17, 19	
23 90:2	156:18,		154:18	166:3, 15,	cab 50:12
boats	20, 21		158:15, 16	16	71:23
89:22	158:18		159:17	167:11, 12	88:6
body	boxes		160:12	173:24, 25	151:7
27:23, 25	136:2	break	161:5	178:8	156:19
Boggess	Boyd	83:1,	54:8, 11	179:11,	159:14
4:10, 15,	4, 6		102:8, 13	180:17	161:2
16, 10:24	Brabham		118:10	158:10	144:1, 10
36:9 46:2	83:17, 19		119:23, 24	broken	167:19,
47:17			123:21	53:4	21, 23

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: calculate..cell

calculate	99:12	107:7,10	29:10	36:12,22
111:8	120:24	108:3	30:11,	41:14
152:11	143:3	110:20	37:15	112:21
calculated	150:19	111:2,17	38:12,21	114:25
139:20	168:7	114:7	39:6,13,	115:1,12,
151:11	calls	115:12	16 40:4,	18 116:7
calculates	100:18	138:20	11,17,25	120:11,13
139:12	102:17	146:5	41:6	181:23
152:5	Campbell	147:17,	42:12,24	182:24
calculating	18,20	18,20	47:20	catch
139:3,14	85:19,21	159:7	70:9	69:16,18
	86:9	165:17	82:13,15,	70:12
calculation	capabilities	167:15	16,19	caught
137:2	s 29:19	173:19	83:4	52:5,16,
139:6	30:13	174:9,15	84:3,18,	19 53:5,
152:12	capability	175:17	21 85:2,	13 65:11
172:13	173:20	177:11,24	11 86:21,	76:1
		178:18	22 87:12,	
calculation	capacity	179:21,	14 88:12,	caused
s 15:25	104:19	23,24	15 89:8	17:16
127:16	capture	card	90:4,10	25:8
136:24	173:24	124:22	91:5,14,	38:13
138:25	captured	care 171:4	15 92:8,	42:22
139:20	52:17,	Carolina	12 93:24	45:14
150:23	53:22	98:18	74:19	
151:3,4,	4:4	99:15	81:13	
20 152:14	54:14	33:14,21	112:22,23	82:9
153:17	58:23	101:16	114:8,9	85:25
154:7,23	134:9,11	181:4	115:3	87:17
155:5,25	167:15	carrier	116:18	90:8
185:19	173:20	37:20	118:8,23	95:17,23
	174:21	49:3	119:22	104:17
call 55:11	175:5	cars 94:22	120:18	
94:4	176:20	95:2	124:4	causing
98:5,14,	car 39:17	143:9	131:1,20	39:19
23 99:2,	40:3	cart	160:25	CDS 124:23
3,24,25	42:15	85:23,24	168:3	cell 91:25
102:4	48:22	86:7	169:23	92:7,12
103:7,17	50:12,20	86:7	182:12	93:6,13,
126:3,17	51:3,6,9,	carts 86:4	183:15	21 94:2
143:21	20 52:2,	184:7	184:7	95:9,11,
168:18	21 55:24,	case 14:18	cases	17,24
175:23	25 58:12	17:19,21	9:18,25	96:8,10,
called	59:17,21	19:6,14,	10:1,2	16,20,25
19:15	61:18	16 20:14,	17:12	97:3,14,
26:8	74:24	17,21	25:3	18 99:3,
55:2,9				

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: center..collected

10, 11, 14,	changed	circumstanc	clarificati	84:14
19 100:8	83:11	e 182:25	on 68:14	CLM 9:2
103:11, 25	changing	circumstanc	clarifies	10:24
104:6, 9,	105:18	es 131:24	70:23	CLM'S
17, 24	136:19	Ciren 26:8	clarifying	10:17
105:3, 8,	characteris	Civic 57:2	68:3	clock
18, 20	tics 30:25	60:25	clarity	133:2
118:1	Characteriz	62:23	136:12	clocks
181:3	ation	63:16	class	98:21
center	28:20	65:8, 18,	14:16	100:15
24:24	characteriz	21, 24	22:2, 4	103:14
26:10	e 46:4	67:9, 14	classes	133:3, 6
79:18	Charger	69:16	5:12 21:6	close
172:7	63:8, 16	70:1	31:9	103:9
centered	65:9 73:1	73:2, 11	clean	137:21
152:1, 4	charges	74:6	closer	69:13
154:13	91:6	75:10, 21	cleaned	121:17
157:7	Charles	77:16	clear	Cloud
Centers	7:10	105:10	135:25	Cloud's
26:9	12:24	106:1	claim	42:13
certificati	Charlotte	128:16	43:4	claim
on 22:9	12:24	169:11	70:5, 22	Club 83:25
chain	chart	Civil 4:4	71:2, 18,	CMLA 9:2
80:22	15:19	claim 9:10	21 87:20	co-
chambers	check	38:22, 24	136:17	defendant
112:9	133:3	claimed	64:18	86:23
change	checked	38:13	69:1	clears
40:18	107:24	39:25	133:21	co-workers
45:19	130:14	43:15	click	7:14
48:8	152:22	88:19	132:14	85:22
72:15	chief 6:21	claiming	168:8	Coast
94:11, 17,	choice	43:9	client	112:24
19, 23	171:18	claims	77:25	coded
95:3	Chrisco	8:21, 23	climbed	122:22
101:7	91:7, 11,	9:4, 20	12:4, 9	cognitive
103:23	13	10:10, 18	32:10, 22	96:2
105:1, 25	circled	11:1, 9, 11	33:24	colleagues
138:7, 8	140:7, 9,	12:4, 9	34:23	18:9
139:7	180:16	35:6	134:24	collected
151:16, 17	13	92:18	clips	
152:6				
153:1				
169:10, 15				
180:16				

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: college..contribution

19:24	132:4	conclude	consulted	contacts
143:21, 23	compared	78:6	36:11	47:8
college	111:4	concluded	consulting	50:15
35:18	139:21	187:3	8:25	57:2
collision	comparing	concrete	consumes	contends
44:8	152:20	42:14, 21	152:15	80:6, 9
Collum's	comparison	60:3	consuming	contention
83:16, 17, 20	100:5 167:23	condition	44:13 80:14	168:23 169:6
color	compilation	conference	contact	continually
156:15	s 127:15	8:16 9:9	37:25	65:18
combination	compiled	conferences	38:11	73:12
70:15	19:22	21:13	40:18	continue
comment	124:17	35:25	50:22	76:3
105:2	162:15	connection	52:12	96:17
137:13	complaint	96:9	56:18, 20, 21 57:5,	continued
139:5	184:19	considerabl	23 69:13	75:11
commentary	complete	y 137:9	70:10	146:10
103:24	118:20	considered	71:12	continues
comments	185:7	148:15	73:24	57:25
138:17	complex	172:5	77:16, 18	continuing
commercial	94:10, 20	considers	82:5	31:8
29:18, 19	component	153:21	83:19	59:14
85:9	50:25	consistent	128:18	61:10
86:25	compressing	39:25	147:24	73:7
181:5	59:17	102:19	152:1	continuous
communicati	computer	103:7	154:11	145:8, 15,
on 12:8	13:15	123:13, 14	159:3	25
communicati	14:17	137:23	160:5	continuousl
ons	16:6, 10,	conspicuity	161:7, 17	y 4:21
126:15, 16	22, 25	44:22, 24	164:19	73:18
company	98:18, 19	constructed	165:25	Contracting
12:10	102:24	79:17	180:13	112:25
18:13	103:4, 13	constructio	contacted	contractor
86:6, 8, 11	168:12	n 39:1, 24	17:20	78:23
88:9	computers	91:11	75:18	81:17
99:20	99:19	consult	80:25	contributed
103:22	concerned	36:18	126:9	170:7
104:25	56:14	consultants	169:10	contributio
117:15	171:12	35:23	172:24	n 83:4
compare				

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: contributory..crossed

contributor	15:12	103:12	90:6,18	covering
y	89:12	129:3	91:13	58:25
control		150:9	92:6	crash 6:7
34:4	copy	115:24	101:13	13:11
79:5,16	135:13	117:8,20	112:24	14:3,15
86:6	150:4,7,	123:2,17	113:3,7,	23:1
106:20	8,20	129:22	13 114:2	24:11,14,
130:10	151:1	133:16	counter	15 28:2
176:19	164:2	146:23	113:24	30:6,20
177:4,9,	184:13	147:18,21	114:5	
10,19,22,		148:12		crashed
23 178:4,	corner	160:23	counting	6:11
5,18,22	144:5,19	164:9		crashes
179:3,6	146:16	165:6,17	couple	6:10 7:24
controlled	160:4	168:13		
64:23	corporate	171:16	10:15	25:2
157:11	10:19	172:17	11:17	32:18
174:10	correct	173:16	13:2 29:1	33:4
controls	5:7,18	176:1	33:12	crashing
13:13	9:5 11:2,	178:19	114:25	6:6 24:11
129:16	23 13:16,	179:7,25	128:3	
156:3	21 14:4	correctly	134:18	crate
conversatio	20:6,7	148:8	144:4	85:22
n	28:4,7,	correspond	155:2	Crawford
96:10	21,25	58:13	158:25	91:21
conversatio	29:6	cost 9:20	courses	92:3,14
ns	34:25	5:10,14,		create
153:4	35:7 47:6	22 13:4,		143:22
conveyors	49:11,13	counsel	6,11	created
36:15	50:25	4:2 9:21	21:1,13,	47:10
convinced	51:3,17,	10:19	23 22:7,.	
50:22	18 52:24	12:10	20 31:1	126:7
Cook	58:15	32:2		163:3
78:20	59:2,9	37:20	Coursey	
79:21,22	60:23	39:5	40:8,21	creating
Cook's	61:6	40:3,8,9	41:2,7	52:9
79:1	62:9,11,	42:25	court	crest 44:3
Cool	25 64:6	43:18	18:20	criteria
78:24	65:3,7	44:1	37:9	26:11
cooling	70:18	78:24	184:12	critical
90:7	73:8,9	82:5,15,	Courtney	168:18
copied	74:21	23 83:20,	38:22	cross 83:2
17:23	77:19,21	24 84:13,	covered	
20:9	95:4,	25 85:4,7	34:7	crossed
copies	99:11,13	86:21	120:25	79:5 80:9
	101:2	88:18,23		82:21
		89:18		

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: crossing..department

crossing	39:19	David	decision	defines
91:16	52:9,11	183:9	72:2	177:21
94:12	56:21	184:2	174:3,25	definition
crush	30:1	81:13	176:6,7,8	46:4,8,9,
122:24	90:8,10,	day 180:24	177:1	11,21,22
125:3	15 128:16	days	179:10	
128:5,16,	dark 83:2	132:22	decisions	deformation
17	dash	133:7,9	176:16	26:19
185:14,	166:17	162:12	dedicated	degraded
19,21		DDEC	27:11	137:4
crushing	data	130:1,6,9	Deere	degree
85:25	13:11,12,	dead 111:7	43:23	8:13 9:12
cue	14,19,21,	deal 21:14	defects	12:6 19:8
136:20	24,25	30:23	91:10	30:19
curb	14:3,9,	34:7	defend	59:16
60:4	12,13,14,	Dean's	65:18	
148:5	24,25	84:9,12,	88:11	69:17
curbing	15:2,4,23	16	defendant	92:9
146:1,18	16:3,4,12	death	42:9	111:10
147:4,5,	29:15,16,	47:13,16,	87:13	degrees
24,25	23,24	25 48:5	114:10	36:10
current	34:4,	debris	defendants	Del 78:20,
131:11	83:9	108:9	114:19	24 79:21,
132:1	100:5,6,	decelerate	115:14	22
custom	20 123:1,	172:22	defending	delay
86:8	8 124:2,8	December	11:11	138:10
	130:22	133:13	79:22	delayed
customarily	131:7,23	134:6,7	86:11	44:6,9
140:25	133:13	143:22	defense	delivered
cut	134:6,7	115:24	9:15,21	86:2,5,12
146:24	143:22	125:23,25	11:4,10	delivering
cutting	156:18,	20,21	128:6,12,	33:22
9:25	167:18,20	14 161:22	34:23	86:6
CV	date 5:4	decide	35:7	delivery
4:24	125:1	136:21	39:13	86:8
24:2	132:16,	decided	40:4	demonstrate
26:17	20,24	dated	43:18,20	14:21
cycle	162:11	122:18,19	44:1	
		111:20	81:19,23	demonstrati
D		172:8	86:1 92:6	ve 183:23,
D-d-e-c		178:19	113:10	24
130:9	daughter	decimal	114:19	department
	91:22	152:8	115:4	7:12,18
damage	92:3,13			

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: depends..Divide

depends	184:3, 18, 47:14 61:22 118:4 120:17	developing 22, 24 185:1 187:3	55:9, 23:15, 19 development 7:21 23:1 depositions 24:10	55:9, 166:12 direct 88:4 100:5	98:14, 24 distance 15:19 16:1 44:7 54:22, 25 56:6 58:8, 11 63:17 65:20 71:10 75:13 92:21 111:25 136:6 137:17 151:25 152:13 155:21, 22 165:2 distances 119:17 distracted 95:10 96:22 105:17 106:4 distraction 104:17 distraction s 101:10 distribution 111:13 district 37:24 divergence 160:24 Diverted 108:10 diverting 96:2 Divide 110:9
depiction	78:14 147:6	26:18	develops 47:14	43:25 78:22	
deployments	115:23 116:7 117:13, 28:3	device 106:11	79:1 128:6	71:10	
deponent	18, 19 162:5 4:8 163:2	devices 13:15	128:6	75:13	
depose	derived 183:11 137:7	devoted 11:11	14:1 21:10	92:21	
deposed	descent 55:17	diagnostic 131:3	61:14 40:22	111:25 136:6 137:17	
deposition	describe 4:3, 5, 9, 17 37:11 38:20 39:15 40:6 41:17 43:21 78:16 79:25 80:21 82:11 83:15 84:8 89:15 93:16, 18 114:7, 13, 18, 22 117:3 134:13, 14, 16, 24 135:1, 4, 5 138:17, 18, 20 163:17, 20, 22 168:15 176:18 183:4, 9	diagram 180:5 describes 65:1 description 72:18 82:14 description s 122:23 design 91:1 details 26:13 detected 107:17 determinati on 54:2 determine 25:16 27:14 170:9, 16 174:23	11:14 148:24 164:6, 8, 12 166:21 167:3, 7 149:21 115:9 149:17 124:19 167:6 169:7 12:16 59:8 die 175:16 Diesel 130:9 difference 155:18 differentia l 69:15 80:2 154:9 155:20 156:13 difficult 71:11 Detroit 130:9	disagree 11:14 147:6 149:21 disagreed 115:9 149:17 124:19 167:6 169:7 118:18 discovery 118:18 discuss 20:12 168:19 discussed 19:6 20:14 71:12 130:15 discusses 171:1 dispatch 102:22 dispute 68:1, 4	165:2 152:13 155:21, 22 165:2 distances 119:17 distracted 95:10 96:22 105:17 106:4 distraction 104:17 distraction s 101:10 distribution 111:13 district 37:24 divergence 160:24 Diverted 108:10 diverting 96:2 Divide 110:9

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: division..Effective

division	53:10,14	71:23	156:3	131:16
	6:20 7:16	58:7,14	84:11	153:5,6
document	75:11	96:22,23	drop 79:4, 11,15	158:5
	149:21,23	109:17	109:5	160:18
documentati	110:11,22	143:4	dropped	
on	111:7	driven	116:15	early
22:13	175:9	38:25		82:25
25:5	dragging	123:16	drops 57:6	ease 41:24
120:17,19	73:16,17	driver	173:12	easier
documents	75:15	42:6 45:7	drug 75:13	153:25
	118:19	48:20,21	109:22	155:4
door	51:16	56:14	111:12,14	159:8
	174:7	91:25	181:16	easily
	177:6	92:2	182:17	134:1
	178:7,13	94:9,21	due 19:17	East
dots	19:22	103:22	90:1	89:17,19
	54:24	104:7,24	120:25	112:24
145:19	55:1,7,9,	106:15	duly 4:11	ECM 83:9
doubt	16,19,22	170:7	dump 38:24	123:1,4, 7,10
	117:16	182:5	duties 23:11	124:2,8 132:17
Douglas	124:13	driver's	duty 106:15	133:12,14 184:25
	127:14,17	173:21	DVD 17:9	EDC 14:15
	80:4,5,8	174:6,16,	dynamically 57:8	edge 56:4
downgrade	128:1,9	21,25	dynamics 6:7 14:15	60:3,4 79:2,4, 10,15
	136:2	179:18	21:6,9	139:10
	87:20	180:6	25:10	154:16
	142:20	181:5	30:21,24	160:3
downhill	144:1,3,	drivers 48:22	40:11	164:21
	8,10	76:8	79:17	education
	146:11	94:24	83:10	31:8
download	148:2,12	drawings 168:22	drives	effect
	131:16	20:8,10	124:16,17	105:3,23
	132:17	55:4,5	126:7,23	E 140:15
downloaded	167:1,9	171:3	141:22	153:21
	123:4,6	182:16	142:5	169:24
	132:21,23	driving 46:17,18,	drives 40:11	Effective
	133:12	169:5	21 91:18,	31:24
downloading	124:16,17	23 92:14	ear 97:24	34:4
	134:4	97:3	earlier	
downloads	126:7,23	104:18		
	141:22	105:17		
drag	142:5			
	131:25			
	145:10			
	168:5			
	184:24			
drinking				
dragged				
	drive 53:6			

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: Effectively..EXAMINATION

Effectively	83:25	22:12	136:5,8	6:7
163:9	employer	23:6,13	152:24	evaluation
efficacy	86:9	24:3		6:7 29:16
96:7	enclosed	46:24		37:17
efforts	56:25	engineering	90:20,21	81:14
34:19		9:1	91:1	
124:18	encompassed	22:15,17	ES 185:25	5:25
	125:6	33:8		29:23
eight-	end	34:16	escapes	event
79:3	16:19	36:11,12	92:4,14	
	17:7		160:5	123:15,21
elbow	40:19	55:17		130:17,23
28:20	47:24	engineers	essentially	132:15
29:3	53:19	7:16 21:7	41:1 44:2	134:8,10
Electric	54:23	22:5	47:21	
80:4,5,8	58:24	35:17,21	79:24	events
	59:8	36:17	87:23	124:5
electronic	84:14	135:8	92:20	130:15
13:12,13	157:24		136:5	176:10
29:15,16	166:2,16	enter 87:5	139:19	
34:4	185:14,19	88:1	145:11	eventual
elevator	ended 99:3	entered	158:24	175:4
36:5,21	103:17	60:7	established	evidence
email	137:14	Enterprises	64:13	33:24
126:14	172:16	113:11,14	68:20,24	41:2
emergency	ends 47:22	entire	107:2	50:21
45:8,14,	84:12	27:11	Estes	53:24
22,24	172:24	183:17	85:6,7,10	54:5,18,
46:1,4,8,	enforcement	entitled	76:6	19 68:5
16,18,21	21:17,21	5:13 15:5	55:18	77:4,10,
47:5	22:6	entrance	77:6	13 80:11
112:19	engaged	60:7	estimated	93:7
171:3,5,	147:19	entrapment	77:9	119:4
10,12,19		179:11	144:17	147:2,14
176:12	engagement			169:19
	128:10	entrapped	et al	exact 10:3
140:12	engagements	52:2	78:20	11:5 32:3
emphaticall	19:18	176:7	evaluate	46:4
y 140:2	engine	179:16	36:18	98:10
employed	91:8,9,11	environment	39:8	147:11
23:12	130:9	s 27:23	evaluated	159:16
117:19	engineer	equation	24:12	163:1
employee	5:7 6:16,	152:11	48:14	165:24
19:9 82:4	21 18:14	equations	evaluating	168:1
				EXAMINATION

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: Excel..feet

4:12	93:17	163:24	151:14	90:3,5,6
Excel	122:8	183:5	factor's	faster
155:24	126:25	extra	44:14	63:20,24
162:17	128:21	152:7	factored	65:6,22
	130:5		19:5	73:7 74:3
excerpts	135:14	extremity		153:22,24
185:17	167:2	28:16,19	factors	
		80:16	21:5	fatal
excess	exhibits		40:12	40:23
41:3 94:4	93:19	eye 44:24	44:16,17	79:7
excessive	183:24,25	88:7	45:9 74:6	84:15
79:10	185:7	155:9	96:24	90:20
excessively	expansion	eyes 96:14	136:15	fatalities
79:3	81:11			182:9
excuse	experience	F	facts 68:7	fault
48:10	137:23		failed	74:12
57:17	expert	F-o-r-e-m-	81:12	115:10
61:19	36:9	a-n 8:5	failures	170:17
158:15	44:14	face	36:13	faulty
execute	45:10	20:14,15	fair	108:19,24
89:1	104:4,9,	88:6	104:10,12	fear
	16 181:10	face-to-	117:25	175:20
executed	explain	face 20:17	119:1	fearful
41:3	16:20	facility	Fairfield	175:7
46:14	135:23	85:24	84:25	features
executes	explanation	fact 26:19	fairly	167:14
106:11,12	97:9	39:2,8	76:2	February
executing	exposure	43:15	111:4	5:18
94:9	90:14	44:20	137:14	117:9,11
executives	exposures	49:24	fairness	132:20
12:11	27:10	50:11	119:9	133:9
EXH 4:24	express	52:7 62:4	fall 42:22	Federal
15:17,19,	40:9	76:15	43:7	37:9 49:3
21,23	85:6,7	77:25	falls	
122:13,15	140:25	107:13	42:18	fee 9:8
127:3		121:10	110:1	feel 184:6
128:22	extends	134:8	familiar	feet 39:21
135:1,15	178:9	136:15,16	95:16	55:20
142:16		137:19,22	171:2	56:7
148:24	extent	140:14,15	Farah	58:8,14,
	9:13		22:22	24 59:1,
exhibit	93:25	factor		4,8,20,23
5:2 13:3	118:21	30:9 48:1	Farms	75:12
14:23	127:18,22	105:9		
37:10	128:7,10,	111:16		

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: fell..form

109:17,21	139:17	finish	focusing	55:14
110:8	file 14:23	102:9	25:8	56:2,17
112:10	17:9,22	finished	fog 41:23	61:7
133:20	20:2	136:5	164:21	62:12
137:18,	55:1,5,	fire 89:20	folder	64:1,11
20,23,25	10,16	firm 12:24	55:5,7	67:21
138:19	56:9	firms 9:1	126:15	68:10
139:15,19	93:19	fixed	142:1,4,	70:19
151:8,11,	136:1	137:4	5,8	71:9
12,21,22,	142:22	142:22	folks 8:24	72:10,22
23 152:2,	148:12	fixture	22:22	74:4,13
14 153:12	163:2	36:14	32:24	75:2
154:15,25	167:19,	flashing	foot	77:11,22
155:2,12,	21,23	21,23	160:24	94:13
14,15,16	168:8	70:24	19 96:11	
156:12	183:17	71:20	force 52:8	95:5,12,
157:6,21	184:1	72:7	forces	97:5,12,
158:3,25	185:8,10	136:17	20 98:8	
160:18,21	files	flat	99:6,16	
161:6,7	16:16	flatbed	25:17,24	100:11
165:23	17:11	fleet	Ford 35:22	105:21
166:2,18	19:23	19:23	27:15	101:3,18
fell 43:6	127:17	23:16	39:25	104:3
fellows	10:17	flew 177:2	Foreman	106:25
128:1	163:3	flooding	8:5	107:8
felt 108:7	183:19	81:13	forensic	108:15,25
Female	28:12,16	filings	109:18	
28:7	128:3	floor	Forest	112:6
field	final	42:16	83:24	116:19
44:20,24	102:10	80:18	forklift	118:3
126:23	145:4	81:12	36:14,21	119:6
127:3	173:2	Florida	42:20	120:12
figure	find 68:5,	135:7	113:7	123:18
111:19,22	12 100:4	focus	form 4:7	125:10
139:4,6,	109:16	22:25	126:1	
19 165:8	163:24	25:12	127:21	
175:1	170:17	27:14	25:20	129:12,23
figured	177:18	90:15	35:8	133:17
114:24	fine	focused	36:23	134:5
	118:15	96:1	37:7	136:25
		119:17	45:17	140:4
			48:13,23	148:3
			49:12	149:19
				152:7
				166:10

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: formed..groups

167:4,17	154:4	Functions	Georgia	gouge
169:3,16	Franklin	28:15	19:11	144:17
171:6,20		85:12	135:7	165:22
172:1,11, 18	free	G	gf 156:11	governed
173:15,22			give 27:5	124:10
174:12				grabbed
175:11,18	Freightline	g's 137:11	32:25	142:21
176:13,22	r 130:7	158:17,23	35:4	graduate
178:20	156:19	gaps 68:14	37:22	6:1
180:1,19	157:2	gas 70:14	55:12,17	Grady
181:6,18	166:6	171:23	105:4	Grant 8:5
182:6,19		172:9	116:3	graph 16:1
formed	friends	gave 33:13	121:25	gravity
93:20		82:14	141:19	79:18
forward	front 4:21	117:22	150:7	gray
51:4 63:8	50:19	geared	161:13	great
69:20	51:12,19	9:19 34:9	163:12	greater
73:25	53:7	general	168:11,17	152:19
81:1	55:22	12:10	givens 151:19	green
83:17	56:12	18:20	giving 144:15	144:15
108:11	71:13	74:25	156:20	156:21
117:1	80:10,11	81:17	glass 16:2	158:17
133:20	125:21	87:11	85:20,23	ground
138:3	128:2	164:14	156:11	143:3
154:4	137:21	generally	global 131:1	Google
155:8	138:9,21	59:12,24	16:2	group 9:7
foster	142:9,22	60:20	GM 35:22	11:4
12:8	160:1,4	82:10	good 12:14	12:14
found	168:12	180:13	166:8,13,	31:11
115:2	front-wheel	generate	15	32:1
170:18	53:6	168:1	16:8,13,	33:7,14,
four-page	full 6:11	generated	16 34:2,	34:2
130:21	11:3,7	161:23	17 35:14	35:14
fourth	23:21	162:4,10,	Gotthold 3,6	35:14
29:22	147:3	17,19	86:19,20,	145:5
81:12	164:20	163:12	24 87:1,	grouped
143:6	function	167:25	7,10,18,	143:13
fracture	28:11	gentleman	25	groups
29:3	110:20	42:12		
frame	111:11	George		
126:9	132:7	82:23		
133:13	174:14	83:3,9		
	179:21			

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: Groves..Honda

32:7,8,21	129:2	133:8	heavy	14:8	137:13
34:14,23	130:16	169:22		29:22	
35:2	135:23		hard	29:23	77:17
	150:6			30:7 31:2	
Groves		30:8		32:14	80:5
88:22	177:3	123:12,		34:7,8,9	81:22
89:1	handed	19,21		58:16	82:15
	124:22		height		84:13
Groves'	141:25	130:14,		176:11	90:5,18
88:24		17,23	held	48:21	91:13
guardrail	handful	131:5,7,		104:3,8	hit 50:12,
58:4	20:20	9,10,17		106:11	16,19
110:3	32:6	134:8,10		171:4	51:3,6,9,
145:21,	133:20	171:24	helmet		19 56:12
164:22	handing	177:3			71:22
174:1	122:18	178:4,10		29:6	77:21
177:6	handling	hat 74:1	helmets		103:2
178:8,9,	21:8	hauling		26:20	108:7
14 179:9	hands	42:16		27:2,3,6,	146:23
guess	106:10	hay 43:24		9	161:14
16:15	160:17	hazard	Hgnda's		171:23
37:2		156:11			172:9
46:25	handwritten	45:3,19	hickory		177:2,
56:3 57:8	126:20	46:3,6,	101:16		178:3,4,
77:24	Handy	12,15	102:4		10 180:7
90:21	42:14,25	47:8,10	hits	71:22	
119:13	hang	head 79:6	high 40:22		
146:11	100:3,18	79:3	79:3		71:15
151:19		header	137:5		179:22
155:6	hanging	132:1	higher		
162:20,25	74:1 87:4	headset	48:21		hold 35:23
guy 6:21	happen	93:25	97:2		
7:5,10	139:1	96:16	115:16		104:16
Guys 8:4	140:21	103:17	highly		Holder
	happened	hear 11:6	41:25		113:23
H	24:18	44:6			115:3
	25:17	heard	highway		holding
H-v-a-c	51:23	10:23	47:20		42:21
90:4	56:11	Heartland	64:24		97:23
	71:7	40:9	83:2		home 80:17
halfway	72:18	heater	87:1,5,7,		Honda 6:4,
64:16	90:24	81:12	8,22 88:1		5,10,17
147:20	101:14	heavier	144:13		22:24
hand 41:2	109:6	58:17	hill 12:23		23:6,12,
106:11	113:9		44:4		14 24:3,
	119:17				

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: Honda's..include

20 31:14	host	35:24	74:7	identified	87:9
35:22	Hotel		76:5,11,	181:20	146:5,15
60:25		88:17	24 78:4	idle	126:8
62:23			184:21	impairment	80:15
65:16,20,	Hotels		Hunter's	II	5:17
24 69:20		88:19	60:6,21	illustrated	implies
109:22	hour	65:20	63:5	164:14	99:22
119:11		76:13	66:14		102:18
121:7		132:10,12	67:5,17	image	imply
125:19		152:10,13	68:1 69:9	156:8	100:8,22
136:4		155:20	72:18	imaged	important
138:3,21		157:3		130:6	94:21,24
139:6,9,		158:13	hurting	imagery	95:1
16,23		159:4,6,	10:2	143:2	117:24,25
140:1		15,23	HVAC	36:14	119:2
145:12	hours		90:4	images	120:11
146:19		80:18		14:22	168:2
147:3,10		162:13,15	I	15:1,2	
148:4				16:18	impression
151:12		163:4		17:6,8,12	60:21
152:9,13		183:3	I-16	143:19	61:3
153:18,23	human		60:8	156:5	152:17
154:9,15		62:19,21		imagine	164:22
156:9,22		40:12	63:14,20,	181:1	imprisoned
157:2,5		44:14	21,23	18:1	52:16
158:12,25		45:8	64:13,15,	imaging	improper
159:12,20	hundreds		20,22,24	131:12	87:25
160:4,5,		6:13,15,	65:21,23	immediately	inattention
8,9,20		16 7:24	94:16	46:19,23	44:11
161:1,3,	hung		166:7	63:17	95:17,23
9,16		75:20,21	I-75	100:3	97:4,8
165:1			94:11,18	158:20	inches
166:7	Hunter		166:8		137:23
170:1,3,7		60:11,19	I-85	impact	132:2
		61:12,14,	40:7	38:14	
Honda's		17,18	idea	42:7	incident
		62:5,6,8,	162:23	54:23	131:10
hooked		9 63:7,11	identificat	81:22	132:2
		64:9	ion	82:3	133:1
		65:13	4:25	15:18,20,	168:23
Hoose		66:15	22,24	166:5	172:20
		86:25	122:14,16	177:10,23	17:20
		87:6,9,	127:4	impacted	10:17
		20,24	128:23	85:9	171:25
		10,23	135:2,16	88:24	
		68:6,18	142:17	impacting	
		88:2,11	148:25		
Hosse		72:8			
		73:1,6			

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: included..involvement

included	71:12	84:15	121:1	internal
	26:18	77:18	125:19	23:19
including	114:4	90:14,20	142:5	internation
	35:25	126:5	185:2	al 23:16
	136:16	129:17	inspections	interplays
		165:16,	19:19	28:2
inconsisten	20,25	injury	Instantaneo	Interpretat
t	77:3,9	25:8,12	us 47:1	ion 13:24
incorrect	185:20	26:15,20	instep	Interpretin
	initially	27:21	50:19	g 14:8
	68:8	28:11,15,	institute	interruptio
	140:24	41:23	27:8	n 23:7
	165:12	88:8	insurance	intoxicated
	169:5	109:4	8:24	41:25
increase	120:24	42:19	10:18	investigati
	140:18	43:8	12:10	on 22:18
increased	136:2	46:19	31:9	36:4
	138:24	47:12,16,	32:8,22	118:20
	152:10	25 48:5	intended	investigati
	137:3	160:20	121:21	ons 30:20
increments	initials	80:16	intending	invitation
	17:5	87:11	67:11	12:1
	140:7	88:4,5,	intention	invited
indicating	141:5,11,	20,25	112:16	11:18,22
	12	89:22	136:17	33:15
	182:9,10	input	intentional	involved
indication	initiated	57:13	110:1	5:21 8:25
	74:16,22	58:2	intentions	9:23 10:5
	injure	inputs	121:23	23:23
individual	27:22	14:23	interaction	25:24
	injured	15:3,	56:15	28:17
individuals	10:25	16:4 17:1	interaction	40:1
	11:6,12	57:12	s 128:18	81:25
	114:1	156:2	interacts	120:23
industry	26:12	inside	125:17,	125:17,
	23:24	37:25	30:5	22,24
information	injuries	154:1	interested	126:3
	25:25	inspect	11:25	130:7
	27:14	18:5,7	interior	168:22
	12:16	118:17	88:6	involvement
	25:1	inspection	120:4,11	125:13
	26:2,5	17:24		
	97:17	18:3,4		
	129:12	19:16,17,		
	138:23	19 20:24		
initial	40:23	19:16,17,		
	43:7,15	19 20:24		
	79:7	19:16,17,		
	81:3,24	19 20:24		
	56:20	19 20:24		
	57:5	19 20:24		
	83:22	120:4,11		

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: involving..law

126:18	35:17	38:10		105:1,25
involving	Joint	41:22	L	106:20,
42:12	28:20	46:23		21,22,24
		47:2		107:3,6,
IPTM	135:7	Jordan	lab	11 108:21
issue		58:3,4,18	6:1,	119:12,
140:1		86:19,20,	25:11	13,14
		24 87:1,	26:7	136:19
		8,10,18,	27:20,21	
issues		73:19		
18:18		75:16	labeled	138:7,8,
30:11	judge	85:23		11 139:7,
40:13		94:17	lack	9 151:16,
79:18	judgment	112:13	176:7	17,20,21
83:5 84:7		132:7	180:16	152:2,6
164:12	judgments	135:22	lacks	154:13,14
		139:18	43:8	
items		148:16	lag	157:7,8,
108:23	July	155:9	138:14	25 160:24
162:21	43:10	162:16	laid	164:20
	jump	181:10	80:17	166:7
			lane	169:10,
		174:2	40:18	180:15
J		kinds	45:15,16,	
		176:6	18 47:4,	
		179:19,24	11,17,19	
			48:3,7,11	lanes
J-o-a-n-i-e	jumped	155:5		68:24
134:21		154:25	49:6,7,	94:11,23
			10,23	95:3
January		king	50:7	105:18
117:9,10		137:19,25	54:21	146:9
		151:9	59:15	
Japan	jumps	155:1	60:8,17,	large
7:2		179:23	23 61:1,	85:22
			9,14,21	90:9
Japanese		kitchen	62:11,14,	
6:21	June	78:16	16 63:21	Larkins
		80:18	64:13	112:22
Jason		knew	65:23,25	laser
88:22	K	75:25	66:16,22	22:21
		109:24	67:11	lateral
jersey		Knott	68:20	157:5
40:20	KAM	89:16	70:17	
			73:4	laterally
Joanie	Kathy	knowing	74:20,24	80:13
134:21	102:7	61:19	75:6	Laura
	128:24		84:10,12	165:13
job		knowledge	94:16,17,	
6:5	Kaylor	20:22	19,23	law
7:18 8:8,		117:6	95:3	21 22:6
9,10	91:4,5,9	130:11		
23:4,11	killed	135:24		
John	40:8 83:3	183:5		
7:5,9		Kurt	101:7,8	
43:23	91:20	165:13	103:23	
join	kind			
9:8	16:18			
10:12	17:6			

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: Lawrenceville..Lumber

Lawrencevil	155:10	lighter	12:4	long 11:16
le 19:11	159:1	58:17	Little's	45:2,4
lawsuits	160:4,19	limited	47:4,11	55:25
9:15	169:10	5:7 9:10	48:3	155:20
	173:21	128:9	49:10	182:2,3
lay 92:21	174:16,20	Lindsay	50:8,20	longer
laying	176:21	134:14	51:3,20	71:14
127:16	179:16,18	Lindsey	52:2,9,	155:22
layouts	leg 126:5	29:10	12,21	looked
128:9	129:17	184:22	53:9,16,	16:11
leading	legal	linear	21 54:14	100:19,20
79:15	106:23	152:5	57:6	101:5
leak 90:5,	107:1	lined	59:15	107:22
8	length	92:23	61:9,20	109:9
leap 175:8	138:19	lines	66:6	125:6
leave 35:4	139:16	list 16:3	67:1,3,16	148:14
96:20	151:7,8,	30:14	69:10	157:12
148:19	10,11	lets	74:12,21	166:25
174:24	153:6,11	112:21	77:14	167:21
183:21	155:1	114:20,22	107:6,20	177:5
	167:12	letting	115:16	178:6,12,
leaves	lets	116:15,24	86:14	15 181:7,
180:6	161:13	117:3	load 86:5	22
left 40:18	level	listed	87:2,4,25	loose
43:24	143:3	5:14 9:4	loading	174:15
44:2	171:4	115:1,8	27:23,25	179:22,23
51:12	liability	132:3	28:1,12,	Lorraine
52:11	33:10,24	listen	19,20	134:14
56:12	36:6,22	35:3	33:9 43:4	184:18
57:19	88:17	lists	87:3	lost 79:4
63:21	licensing	92:15	loads	79:4
65:23	48:25	101:23	86:10	lot 27:6,
71:22	life	129:15	location	10 34:7
80:12	131:14	literally	92:15	35:24
83:25	175:8	133:25	147:4,5	52:9 84:1
84:10,13	light 70:6	litigation	lock 112:8	127:14
91:19	78:2,3	8:21,23	log 98:22	135:21
101:7	136:17	9:4,11	156:21	163:6
105:25	145:15	10:10,18	lower	56:24
107:10,14	145:11	11:10,11	logo 144:5	80:16
108:8			logs	Lumber
111:14			132:1,2	83:16,18,
134:7				20

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: lunch..matter

lunch	160:10	12:4	margin	markings
102:12, 14	162:18	manager	158:8	135:18, 23
		7:9, 10	159:1, 10	marks
M	162:8	managers	Marine	51:10, 21
	170:25	6:20	89:17, 19	56:23
machines	make 54:2	10:18	mark	58:10, 12,
36:16	59:14	12:9	122:12	13, 16, 17
made 11:12	94:17	32:22	126:24	59:20
38:10	150:3	managing	130:4	145:25
82:5	152:6	9:19, 20,	134:23	146:18,
83:18	157:16	24	135:13	20, 21
101:7	169:9	maneuver	137:10	147:5
102:4	171:18	141:22	Marriott	
105:25	174:25	56:14	142:11,	88:16, 17,
122:2	180:15	75:18	12, 14	18, 20
139:7	makes	89:4	144:15, 16	match
148:11, 13	23:14	94:10	145:8, 11,	33:24
149:3	37:24	106:12	15 165:22	132:18
153:9	40:18	112:19	168:2	
161:25	70:22	119:12	185:23	matched
167:2, 13	176:3	139:22		65:11
168:5	179:10	157:11	marked	
172:10, 15	making	159:16, 17	4:24 5:2	matching
173:1	10:1	160:14, 23	13:3	123:13
174:3	31:24	manner	14:22	material
176:11	37:23	69:7	15:17, 20,	17:22
177:1	43:24	90:24	21, 23	86:12
Magic 40:2	57:9 72:2	122:7, 13,	122:7, 13,	135:6
magnifying	73:15	159:11	126:16	
16:2	84:10, 13	Manual	127:3	materials
	103:23	181:5	128:20, 23	14:20
magnitude	136:17	manufacture	130:1	20:8
112:15	138:7, 8,	r 89:17	135:2, 16	127:13
128:17	16	mapping	142:4, 16	185:12
main	152:22, 25	22:19, 20,	148:24	math 99:8,
170:10, 11	172:17	21	185:6, 22	9 101:21
	174:20	March	marker	139:19, 22
maintained	man's	125:19, 24	70:6, 24	151:6
158:13	143:3	129:11	155:7, 9	152:22
maintaining	manage	132:19	marketing	153:5
57:22	11:1	133:3, 5	32:24	Matt 8:4
79:10	Management	marches	34:19	matter
maintains	8:21 9:4,	17:4	marking	81:8
58:1	11 11:10		128:25	119:9
				174:10

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: Max..merge

Max 39:1,5	12 108:18	15,16	Mcgomery	median
maximum	109:7,19	185:25	82:13	40:20
111:25	110:15,19			
112:4	111:1	47:4,11	meaning	medical
161:5	112:20	48:10,20	13:25	80:19
	116:21	49:5,9,	115:17	81:13
MCARTHUR	118:6,12,	15,16	173:8,12,	
4:13 5:1	24 119:23	50:7	13	Meece 43:12,15
14:2	120:1,15	61:19	meaningless	meet 23:18
15:14,25	121:25	63:6,11	120:14	
16:5	122:4,9,	66:25	meant	meetings 9:2 10:15
23:10	12,17	67:4	141:8,9,	
24:8 26:1	124:1	74:20,23	17,20	member 35:14
35:13	125:15	93:20	measure	
37:4,8	126:11,24	95:2,8	55:11	members 9:22
45:21	127:2,5,	97:9	166:20	
48:19	24 129:4,	99:2,25	measured	10:17
49:1,14	6,9 130:3	101:6	137:22	memory 71:5
54:10,12	134:12,23	102:17	measurement	108:19,23
55:15	135:3,13,	103:21	19:24	
56:10	17 140:5	104:11,23	168:1,9	mention 12:18
57:18	141:22,24	107:5,9,	measurement	
61:8	142:10,	13,19	s 18:25	mentioned 7:7 13:5
62:18	14,18,23	118:1	19:1,4	
63:3	148:9	119:3	25:15	14:11
64:4,19	149:4,12,	134:15	122:24,25	merge 49:5,9,17
67:25	25	169:1,6,	154:24	57:22
68:16	150:10,	9,14	167:11,14	59:15
70:20	12,24	180:17	168:6	
71:16	163:16,23	181:15	measuring	60:16,23
72:12	165:3,7	184:19	56:5	61:25
73:5	166:14		mechanic	62:16
74:10,14	167:8	McClure's	67:11	
75:5	168:4	52:3	40:15	68:22
76:23	169:12,17	60:10	mechanical	69:12,15
78:8	171:9,22	66:6	36:10,12,	70:4,10,
95:7,15,	172:2,14	93:13	13,17	13 73:24
22 97:1,	173:4,17	100:8	39:22	74:23
7,16,25	174:8,13	103:25	55:17	75:4,
98:13	175:14,22	108:19	81:14	94:11,18
100:7,12	176:14,23		90:25	107:10
101:20,24	177:18,20	McCray	mechanism	170:1,2
102:9,13,	179:1	113:1	43:8	176:9
25 104:8,	180:4,22	McDonald		
15 105:14	181:9	81:18		
106:2,17,	182:1,14,	82:14		
19 107:4,	22 184:9,			

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: merged..necessarily

merged	Middlebrook	mirror	126:7	76:6
47:17	s 116:18	107:15,22	modeler	123:22,24
48:3	mile 87:19	108:4,8	122:23	133:2
49:23	110:8,10,	109:9,12,	144:22	139:9
50:7	132:11	15	modeling	160:20
67:14	154:8	mirrors	128:9	movement
74:20	155:20	66:8,11	185:16	43:3
75:6,7,9	159:23	105:12	modifications	movements
106:21		107:24,25	153:9	59:25
164:25	mileages	misjudge	76:10	
	132:18	109:2	modules	moves 38:9
merging	miles	misjudged	13:13	
45:15	65:20	109:3	34:4	moving
47:11,19	76:13	missed	Monnett	16:22,24
48:11	131:11,	48:16	12:24	57:3 60:1
50:17	13,18	50:1,3	month	73:13
62:3	152:10,12	62:2	116:22	76:9
63:15	157:2	105:10	133:7,10	80:12
65:9	158:13	108:22	morning	153:22,
68:23	159:4,6,	109:3	82:25	23,24,25
71:15	15	161:7,16	Mosley	154:2
87:22	military	180:21	84:11	175:9
94:12	26:21	missing	motion	180:7
101:7	27:24	159:20	58:5	multiple
107:6	78:23	mission	58:5	6:20 47:7
140:17	79:9	10:6	Motor	89:16
164:25	mind 35:1	11:3,	motorcycle	Mutual
	118:11	12:7	43:25	82:13
messages	minor	missions	motoring	
92:23	90:14	12:8,14	23:25	N
met 20:12	minus	misstepped	move	
metallic	137:18	43:5	57:9	
145:22	minute	misstepping	61:1,2,5	narrower
methodologi	93:8	42:23	65:25	38:8
es 26:19	133:15	mistaken	66:1	NC 33:18
30:21	150:25	93:1 99:4	70:2,12	
methodology	minutes	Mitchell	73:3,7,12	NCADA
21:16	92:16	113:22	132:11	33:17
30:15,16	93:1 99:4	mitigation	152:5	necessarily
middle	100:1	85:13	154:1,3	12:1
80:24	101:16	Model	moved	46:10
119:13	102:5	25:12	61:11	74:16
151:21	105:1		66:18	125:12
				146:21

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: needed..occurred

147:4	153:10,20	96:24	55:14	167:4,17
183:18	154:24	112:9	56:2,17	169:3,16
needed	158:25	124:11	61:7	171:6,20
45:23	notary	126:25	62:12	172:1,11,
111:20	4:22	128:21	64:1,11	18
112:2	note	129:10	67:21	173:15,22
167:25	125:13	130:24	68:10	174:12
negligence	137:15,18	131:1	70:19	175:11,18
89:12	144:21	135:14	71:9	176:13,22
neighborhoo	noted	137:6,25	72:10,22	177:17
d 56:6	138:4	142:11,15	74:4,13	178:20
58:11	144:17	143:16,17	75:2	180:1,19
Neumag	167:16	144:7	76:14	181:6,18
90:18	notes	163:1,3	77:11,22	182:6,19
Nicol	126:21,23	165:24	94:13	objection
78:20,25	127:3,6,8	167:2,5	95:5,12,	105:6
Nicols	139:2	numbered	19 96:11	objections
79:6	142:5	143:15	97:5,12,	4:5,6
night	149:21	numbering	20 98:8	objects
41:20	167:22	130:20	99:6,16	155:19
nighttime	185:3	numbers	100:11	obviously
84:9	notice 4:5	21:23	101:3,18	146:19
nine-inch	noticed	46:24	104:2	obstruction
79:3	129:2	130:25	105:21	66:5,12
Nitza	177:4	139:1,4,	106:25	occupant
26:3,9	178:5	15 143:21	107:8	23:21
North	noting	153:12	108:15,25	30:5
33:14,21	137:5,24	154:5,20	109:18	occupied
94:11	146:17	157:18	110:14,	49:6
101:16	November	168:16,17	112:6	107:11
135:6	116:3	-----	116:19	occupies
181:4	117:8,10	o	118:3	153:14
Northern	number	object	119:6	occur
26:10	6:13 9:23	13:22	120:12	46:20
Northwester	13:3	21:25	123:18	182:16
n 5:11,18	21:13	24:6	126:1	occurred
13:5 22:3	28:8	25:20	127:21	17:25
116:12	32:20	35:8	129:1,23	37:21
117:8	36:11	36:23	133:17	52:1
nose	37:10	37:7	134:5	99:15
	55:2,12	45:17	136:25	100:13
	77:5	48:13,23	140:4	121:1
	95:21	49:12	148:3	
			149:19	
			166:10	

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: occurring..pages

131:17	officer's	58:21	order	overlap
132:21		69:4 71:2	22:7,11	100:23
133:22	officers	82:8	23:17	overtake
165:17		93:20	27:25	69:2
173:24		105:2,5, 22:14	111:8	
occurring		13,16,19 123:25	118:25	overtaken
166:7	offtracked	106:7 140:22	organization	65:2
occurs		38:6 169:8	8:23 9:14,24	overtaking
121:1	offtracks	170:19	10:4	63:7 65:1
159:3		175:10,12	11:11	overtook
October	Oklahoma	opinions	original	60:10,11
37:11		19:3	142:13,14	62:21,24
115:25		100:21	161:9	63:21,23
116:1,3, 5,8,23,24	older	104:6 123:20	originals	65:22 69:5 72:19
odd 112:9	on/off	107:2 119:16	128:25	
156:12		165:4	142:2,9	overturned
odometer	one's	170:12	150:7	85:24
131:11,19		182:13	ounce	
132:1,2	ongoing	183:14	149:9	overwritten
OEMS 35:21		opportunities	outer	134:1
Oerlikon	open	11:24	56:21	Owens
90:12,17, 18,20		opportunity	outfitted	89:14,16
offer 36:3		41:5 46:7 42:16	78:22	owned
66:12	opened	170:15,23	outline	91:21
121:16,18		173:2	74:18	owner
offered	operated	opposed	outlined	91:22
36:8		12:1		
offering		42:22	119:16	P
78:23		140:20	139:7	
100:21		145:1	output	P-6 129:21
107:1		opposite	16:15	
182:13	operating	78:25	17:11	p.m.
office		optical	outputs	119:24,25
43:22		70:21	14:24	
102:18		option	15:4	P4 122:12
124:21	operation	97:15	outputting	packet
42:20		107:18	183:19	185:17
officer	opinion	options	outs	pages
22:18		101:8	143:21	125:6
102:22		141:19	overhead	130:21
134:15		55:8	144:4	
184:18				161:8

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: paired..personally

167:6	24:10, 23	passenger	pedestrian	14, 23
paired	38:4	34:8	23:21	158:22
26:10	50:11	38:2, 11	41:19, 21,	160:1
	51:9	48:22	22, 24	161:11
pallet	64:24	50:24	42:6, 7	175:2
42:13	73:25	51:16	82:24	
panel	84:23	80:1	pending	perceptiona
10:14	94:18	82:24	88:14	ry 40:12
	104:4	159:14		41:4 42:5
panels	149:2	177:6	people	151:13
85:23	163:20	178:7, 13	7:17	152:19
panic	167:25	179:24	9:21, 23	perfectly
75:17	175:23		96:8, 20	138:15
112:18		passing	137:7	
paper	participate	60:16	171:18, 21	perform
29:25	d 10:14	61:4, 5	180:25	118:19
	18:2	62:10		performance
30:3, 14,	parties	63:11	People's	24:13
16 44:21	11:12	64:9	77:7	91:8
papers	12:9, 18	65:18	perceive	performed
28:8, 11	partnered	66:14	45:2	151:4
29:1, 15	26:8		106:5	
30:23		past 70:12		period
95:21	parts	73:13	perceived	26:23
184:25	89:13, 18	76:6, 9	70:17	133:10
	90:2	115:18		
parallel	party 11:6	121:2	percent	146:11
62:16	79:8	121:23	63:13	181:16
138:6	85:16	path 38:8	114:18	Perry
158:5	86:1, 16	58:1 59:9		85:12
161:1		80:13	percentage	
parameters	pass 61:10	160:10	27:1, 5,	person
17:2, 3	67:6		36:19	25:15
	121:10	paths	114:24	36:4 96:6
parenthesis	passed	147:3	115:12	120:7
136:11	60:11, 22,	patterns	percentile	123:5
parked	24 61:4,	26:15	28:16	175:8
133:10	12, 17	pavement	137:7	182:2, 3, 4
parking	62:14, 22	79:2	perception	person's
84:1	64:5, 7	144:14	44:20	88:9
	65:15, 23	pay 94:25	47:1	personal
part 5:22	66:18		81:25	84:1
9:4, 6	72:25	paying	84:7	88:20
10:9	73:1, 10	94:22	87:24	89:22
11:15	77:1	95:2	89:1, 8	
13:17	178:8	PDF 17:9	91:24	personally
15:2			108:16	6:12
			136:10,	17:20

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: personnel..PLF

19:13	167:10	phones	68:5	74:7 78:4
120:9,10	185:3,15	96:8,20	77:4,10,	97:23
personnel	Peters'	photo	12	151:11
22:6	18:12	122:23	physically	173:7
persons	20:2	124:22	55:11	plain 63:6
22:4	129:15	126:7	pick-up	64:9
26:12	145:10	128:9	80:3	66:16,25
perspective	154:23	143:22	picked	67:4
22:17	166:24	144:7,22	39:21	plaintiff
176:15	167:1,22	185:16	133:13	86:22
pertain	position	Photo-01		87:15
5:14	156:11	143:15	pickup	88:23
pertaining	phases	Photo-11	43:12	114:8,15,
123:10	47:7	143:15	picture	25 115:1,
131:20	phone	photogramme	10:9	4,17
pertains	20:15	try 19:23	145:6	126:25
124:7	57:7	125:4	146:8,15	128:20
Peter's	91:25	143:19	147:7	plaintiff's
145:1	92:7,13,	photograph	pictures	5:2 9:18
Peters	18,19	166:18	19:23	37:10
18:10	93:2,5,6,	photographs	20:1	130:5
19:7,18,	7,14,21	128:4	128:4	plaintiffs
20 20:9,	94:2,4	145:5	145:5	10:25
12,16,23	95:9,11,	piece 51:2	piece 51:2	12:21
120:20,25	18,24	54:4,6,18	90:20	89:16,21
121:11,	96:10,16,	55:3	98:20	115:13
16,19,21	25 97:3,	124:20,23	ping 98:20	planning
122:20	14,18,23	126:6	110:16,22	104:11
124:17,	98:2	143:20,	pinned	plausible
21,24	99:3,10,	23,24	110:16,22	95:9,14
125:7,17	11,14,19	144:20,	place	97:15
126:5	100:9,16,	21,24	36:18	play 9:10
127:7	25 101:1,	145:1	85:21	152:25
128:15	15	165:11	99:13	playing
129:21,25	103:11,25	photos	103:10	160:22
137:22	104:6,10,	20:2,5	112:12	plays 12:3
142:21	17,24	122:25	138:4	plaza
143:20	105:3,8,	124:19	147:9,15	81:13
147:7	18,20,24	142:16	152:8	PLF 4:24
148:1,10	118:1	143:8,10	155:12	15:17,19,
149:7	119:4	144:22	placement	21,23
165:10,11	126:17	184:21,22	63:12	122:13,15
166:23	177:2	physical	places	
	181:3	39:23	69:24	
		54:19		

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: plot..prior

127:3	148:6, 8	157:4, 5, 6	128:3	preserve
128:22	149:6	158:2, 3	Powerpoints	134:7
135:1, 15	151:25	positional	185:14	presume
142:16	158:1, 12	105:11	pre-sunrise	126:4
148:24	159:19	positioned	83:1	143:11
plot	164:16	83:6	preceding	presuming
130:23	166:8, 13,	positioning	92:16, 25	141:9
155:24	15 167:12	60:2	93:8	153:17
plug 152:7	169:21	172:4	94:18	pretty
plumbing	172:5	positions	precursors	70:22
36:14	173:23	69:19	22:12	71:18
81:7, 9,	174:9, 24	74:9	predepositi	94:10
10, 14	175:1	147:13	on 139:17	126:8
pneumonia	176:2	148:17	predict	prevention
178:24	179:5	155:23	160:2	28:21
90:5, 7	180:12	170:21	30:2	
point	181:13	possibly	premises	primarily
10:16	pointing	183:19	33:10	9:15
13:19	145:17	post 10:12	36:6, 22	
16:16	points	138:20	88:17, 20	primary
50:23	147:1	potential	prepare	22:25
52:14, 15,	148:17	29:20	124:23	27:17, 19
21 53:1,	167:20	30:4	183:12, 23	90:14
9, 22	168:9	38:19	prepared	print
54:23	police	47:12, 16,	183:13,	124:23
60:15	22:9, 17	20 48:4,	14, 24	132:24
62:1	54:6	7, 8 115:1	preparing	printed
64:8,	144:20, 23	119:19	124:19	129:25
66:17, 19	184:22	potentially	present	130:19
67:13	185:18	96:4	18:4	131:2
68:3, 21,	portion	111:15	presentatio	132:25
24 69:13	50:14	117:22	n 33:1, 3	149:23
73:14	51:4, 15	171:15	35:4	printout
77:15	134:17	potentials	presentatio	55:10
93:19	position	124:11	ns 21:14	prior
102:8	8:10 67:7	pounds	34:18, 22,	19:18
104:4	77:14,	111:4	24 35:6	41:4
108:3	144:18	Power	presented	44:13
111:20	147:11	82:23	46:5, 12	48:11
125:12, 13	148:6	83:3, 9	presents	90:23
134:2, 3	153:20	Powerpoint	45:19	105:1
138:16	155:7			114:16
145:2	156:10			115:19
146:14				
147:12, 22				

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: problem..questions

116:17	129:11	76:20	purchased	57:11
117:14	professiona	93:10,13	90:22	138:21
131:18	l 35:15	97:17	purpose	153:7
138:17,18	48:20	98:4	11:8	
147:1		118:18		
166:8,12,	professiona	127:13	purposes	Q
13	ls 10:19	142:22		
	141:3	166:23	19:24	qualified
problem			137:1	45:9
164:1	profiles	providers	139:24	
problems	125:3	12:12	149:15	quantify
100:17	128:5	pseudo	164:14	175:21
Procedure	185:14	38:21	168:3,18	query 37:9
4:4	program	39:16	pursuant	question
proceeded	16:25		28:24	23:9 24:7
61:2 66:1	122:23	public	118:22	39:1,22
proceedings	project	24:1	pushed	46:6,13,
23:7	5:7 18:14	135:7	110:6	23,25
process	119:1	publication	54:13	
42:17	125:12	s 29:8,11	pushing	64:15
68:23	128:22	30:10	55:24	67:22
70:13	129:12	published	put 12:17	68:11
180:7	143:17	30:1	17:9,18	77:8
processed	promoted	44:21	21:7	78:10,12
124:20	8:12	pull	22:22	80:15
processes	propelling	108:11	46:24	86:4 98:9
96:2	81:1	109:14	64:25	102:10
produce	proper	142:6	75:14	104:14
143:25	89:1	162:21	90:7	114:12
162:2	property	178:24	92:19	118:13,25
produced	88:21	pulled	99:4	121:3
183:13	90:10,15	60:3	101:17	168:25
producing	91:5	80:10	102:5	170:6,22
165:4	protect	91:15,19	111:24	177:9,16
product	23:25	93:3	128:4	178:23
43:5 86:3	protection	107:13	134:24	questioned
90:1,9	23:2	133:19	138:6	137:11
production	provide	145:12	140:3	questioning
124:13	55:2	185:11	162:24	98:18
products	provided	pulling	168:9	118:11
33:23	5:3 15:6,	67:8	172:23	138:18
	10,14	puts 99:14	173:5	questions
	25:1,4	57:25	146:19	42:19
		84:1	putting	68:2 83:4
				84:3

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: quick..reconstruction

85:25	120:16	57:8	108:7	16 87:4,
90:23	148:10	read 4:16,	111:14	19 98:6,
91:24	179:5	19 11:6	138:2,9,	10 102:17
100:4	raw 16:12	12:15	13 151:9	103:5
109:8	152:7	16:2 66:3	155:8,13	113:6,25
119:15		72:24	159:1	115:5
168:10	re-	96:12	160:3	116:15
184:11	researched	106:7	rearward	117:16
quick 54:8	181:22	163:1,17	52:4 57:3	121:13
quickly	reaches	readily	reask	124:9,11
76:2	159:19	119:11	78:10	135:25
106:5	react	reading	reason	141:8,18
Quikrete	45:4,20	4:8 12:16	95:9,14	182:8
	46:7,19	131:12,20	99:25	recalls
	42:13	106:5,12	105:9	72:6
quote 11:1	161:13	162:5	113:20	rechecking
	reacted	177:13,17	131:21,22	109:15
R	45:23	real 25:1	142:8	recollection
	137:8	58:2		71:25
radius	reaction	143:9	reasonable	reconstruct
38:9	44:6,9	realistically	46:22	6:10
rail 56:24	45:7	ly 59:23	78:6	13:20
60:4	46:14	84:4	170:15	21:22
railing	47:2	101:9	reasons	25:23
75:25	160:10,15	160:10,15	61:25	38:3
146:12	80:23	reality	105:11	79:13
rails	81:25	137:8	149:22	recalculating
42:17	83:8 84:7	realization	139:14	117:23
ramp 60:8	87:24	176:3		reconstructed
62:1,15	89:2,8	realized	recall	20:21
63:14,15,	91:24	173:19	22:3	24:12
22 64:16,	119:19	rear 43:12	27:12	reconstructing
17,21,22,	136:10,	51:15	31:5,11	5:21
23 65:10	14,21,23	52:5,8,9,	32:3	7:23
66:20	151:13	11,15	35:10,12	14:16
73:15,19	152:19	53:6,15	41:2,12,	24:23
87:2,3,18	158:22	57:25	16 49:15,	25:2,9
ran 151:5	161:11	67:1,5	18,24,25	26:14
169:13	172:21	75:19	53:20,	reconstruction
rapidly	175:2,3	80:25	77:25	5:10,
69:8	180:16	82:3,6	80:1	13,15,17,
rate 40:22	reactions	84:14	81:22	24 13:6,
41:3	180:11	87:9	82:1,18	17 14:1,7
	reacts	88:24	85:3,10,	14 86:15,
				17:18

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: reconstructionist..requests

18:17,22	123:13,22	reflect	relevant	135:5,14,
21:2,11,	126:12	103:2	118:19	15 139:8
16,20	131:3	127:25	remain	164:4,6
22:2,10	132:5,17	129:14	46:13	168:22
24:4,19	149:1,16	146:22		170:13,25
25:6,16	162:13	149:1,17	remainder	172:5
26:6			139:13	174:17,19
29:9,12,	Recorders	reflected	170:25	183:7
25 30:9	14:9	125:18		
31:1,23	records	reflects	remained	184:20,
34:12,16	92:13	94:3 98:5	60:8	23,25
36:1	94:6	129:20	remains	185:2,5,
37:16	97:18,22	regard	170:6	20
40:10	98:12	30:22	remember	reported
42:4	103:2,11		34:2	154:14
43:13	130:14	registered	84:21,22	reportedly
44:18	Recover	9:6 10:13	89:13	42:18
45:1	134:6	regular	114:3,11,	83:1
81:2,23		8:16	13	REPORTER
82:6	recovery			184:12
83:21	29:15	regulated	removed	reports
85:11	34:10	23:18	149:2	
113:15	rectangle	regulation	rendition	130:1,6
116:7	70:6	183:1	68:7	132:3
117:13	rectangular	regulations	repair	185:18
122:21		49:3	56:23	representat
127:12,19	70:24	181:11	repeat	ives 32:10
128:8	reduced		35:7	
reconstruct	153:14	related	23:8	
ionist	161:5	25:10,11	104:13	representin
31:24	reduces	37:1 84:7	replaced	g 10:25
148:11	152:12	130:16	56:22	reprinted
reconstruct	reenter	Relation	report	129:18
ionists	79:4	33:9	74:18	request
21:15	reference	relative	101:15,22	17:17
reconstruct	124:25	57:3 59:6	102:21	101:13
ions 18:20	135:6	68:20	104:5	125:3,8
record	145:9	69:16,19,	106:8	requested
4:14	references	21 74:8	118:16	118:17
15:15	151:15	76:10	119:10,16	
93:1,10,	184:19	83:21	120:2,3	requesting
14 94:3		155:18,23	128:13,22	126:18
98:5	referring	173:10	129:11	requests
99:11	70:6	released	130:10	118:22
102:15,22	76:17	123:24	131:2,10	119:8
			132:25	

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: require..Rozelsky

require	restarts	115:16	123:25	111:3
154:19	130:22	retired	144:15	157:17
required	restate	124:15	146:14	159:19
22:12,14	67:2	retrieval	147:20	round
49:2	resting	13:11	162:3	43:23
requirement	179:6	14:3 34:5	165:2	Rowland
s 23:18,19	restroom	retrieving	roadway	80:24
research	54:9	13:21	54:18	81:4
21:15	result	14:12	79:9,10	Rozelsky
24:24	40:23	returned	80:7,9	13:22
27:7	43:9,16,	7:2	91:16,18	15:7 16:4
44:19	19 47:24	review	96:17	19:15
95:21	52:12	118:18	108:9	21:25
118:19	88:25	121:8	147:2,14	24:6
researched	145:11	reviewed	rock 38:23	25:20
104:19	resulting	123:1,8	39:2,8	35:8
181:12	79:7	127:9,11	role 7:19	36:23
reserved	retained	184:2,17	9:10 12:3	37:7
4:7	37:19	185:4	18:12	45:17
reset	39:5	reviewing	37:15	48:13,23
132:11,12	40:2,9	183:8	38:3,12	49:12
residential	42:8,25	ride 42:2	39:4,7	54:7
92:24	43:17	right-hand	42:3,24	55:14
resistance	44:1	146:16	78:18	56:2,17
73:17	78:18,24	rights	79:12	61:7
resolution	81:4	132:14	85:24	62:12
44:25	82:5,23	risk 10:17	roll 79:18	64:1,11
respond	83:19,24	12:9	67:21	68:10
27:25	84:16,24	26:20	roller	70:19
Response	85:4,7,16	27:22	39:18	71:9
28:19	86:2,17,	28:6,11,	rolling	72:10,22
responsibil	21 88:8,	12,15	73:17	74:4,13
ties 7:20	11,13	29:3	110:12,	75:2
responsible	89:18	road 41:21	20,21	76:14
79:9	92:5	48:22	111:8,16	77:11,22
rest 22:6	112:22	53:10	Roofing	94:13
146:25	113:2,5,	70:18	91:22	95:5,12,
165:1	7,12,13	74:25	92:3,15	19 96:11
restart	114:2	96:15	Rose 90:3,	97:5,12,
130:19	115:13	108:11,12	5,6	20 98:8
	Retaliative	79:4,5	roughly	99:6,16
	166:12	96:15	47:21	100:11
	retention	108:11,12	99:9	101:3,18

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: Rozelsky's..sees

104:2,12	178:20	20,21,24	scenes	seat 23:22
105:6,21	180:1,19	24:10,24	22:23	88:2
106:25	181:6,18	48:21	25:4,23	125:19
107:8	182:6,19	74:25		173:21
108:15,25	183:21	91:2	school 6:1	174:6,16,
109:18	184:11,			21,25
110:14,	13,14	sat 126:8		30:14
17,24	187:1		scope	176:21
112:6	Rozelsky's	143:8,10		179:18,24
116:19			119:1	180:6
118:3,9,	17:17		181:19	secondarily
15 119:6	121:23	164:12		170:22
120:12,24	rub 147:25	166:21	scrape	seconds
121:15	148:5	167:2,7		136:14
122:2,7,	rubbed	scan 96:17		137:6
10 123:18	60:3		59:21	139:5
125:10	rubber	105:12	scraping	151:14,
126:1,2,	56:24	105:12		152:16
10,12	rule 104:5	scanning	screen	153:15
127:1,21	181:24	22:21,23		154:6,7,
128:14,24	rules 4:4	scared		19,22
129:5,8,	74:25	175:7	SEA 5:7	157:17,
20,23	182:9,11	scenario		158:20,24
133:17	160:21	158:21	9:10	159:17,25
134:5	run 8:15	160:22	12:3,5	160:15
140:4	160:21	161:9	15:17	161:13
142:12	172:12	171:25	19:9	
148:3	running	scenarios	32:21,24	sections
149:1,19	154:5	161:14	34:20	130:19
150:6,16,	158:10	172:6	35:16	securement
18,21	159:15	scene	78:24	87:25
156:16			116:4,8,	
163:14,18		18:5,25	12,22	sedan
164:1,10	S	19:1,	117:5,20	43:12
165:6,12		20:4,6,24	118:16	seeking
166:10	S-e-m-a-n	22:13	120:7	80:19
167:4,17	8:4	24:17,22	124:15	seemingly
169:3,16	S-u-g-a-m-a	25:14	144:5	106:22
171:6,20	6:23	54:5	148:11	107:2
172:1,11,	safe 65:20	118:17	184:20	108:10
18		120:4,10,	Sean	110:25
173:15,22		21,25	134:15	seemly
174:12	safety	121:4,5	135:4,14	75:9
175:11,18	6:1,6,16	122:25	151:5	
176:13,22	7:15,22	133:24	165:13	sees 70:9,
177:16	23:5,13,	167:7,22	184:17	23 78:2
			185:2,5,7	

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: sell..similar

sell	23:17	133:5, 7	118:9	shows	sideswiping
Seman	8:4	150:22	181:16	96:19	38:11
semi-		155:25		115:16	sight 44:4
trailer		157:2	155:2, 3	122:6, 20	sign 4:16,
		setback	shortly	144:19	19 91:16,
	166:6	137:19	17:24	146:4, 13	20 93:3
send	17:10	sets 100:5	73:19	152:10	163:17
	26:4		87:3		
sending		setting		Shuler	signad
	92:23	152:24	shot 15:21	113:11, 17	156:12
senior		185:1	shots	side 37:19	signal
	24:3	setup	16:18	48:16	61:1
		157:1		52:19	65:16, 25
sentence		sheet	shoulder	56:5, 19	70:8
	140:2	148:22	75:19	57:16, 19	
	168:21		108:11	58:6, 7,	71:19
	169:4	sheets	109:5	12, 14, 19	72:5, 6
separate		148:21	112:17	59:18, 20,	73:3, 11,
	176:9, 16	161:25	133:19	22 69:21	22 74:2
		162:21	165:2	70:6	100:16
separated		Shelco	shoving	71:20, 23,	136:11
	133:25	82:16	87:10	24 75:9,	161:10
separating		Shelnutt		10 77:14	173:9
	133:22	113:23	show 10:8	79:1 80:7	signals
separation			16:13	84:2 87:4	70:2
	66:21	115:3	17:6 35:3	91:12, 20	
		shift	54:25	107:21, 22	signed
series		59:21		108:1, 4	129:21
	69:20	69:20	110:5		significant
	17:8	138:6, 10,	66:9 93:2	123:25	80:16
server		11, 14	146:7	139:10	167:14
	99:20	155:21, 23	147:3	143:7	
		157:16, 25	151:6	145:24	signing
servers		158:5	showing	146:14	4:8
	98:20		128:13	153:8	
service		shifted	143:1	156:9, 10,	Simbro 124:13, 14
	87:2		145:10	25 157:1	125:7
	12:11	138:25	146:17	159:13	
	99:21	157:20, 21	147:3, 12,	161:1, 2	similar
services		shifts	15, 17		10:22
	37:19	154:16	157:10,	side-by-	14:10
set	14:22	174:1	19, 23	side 136:3	30:21
	17:1, 2		159:9	side-view	32:5, 21
	33:1	shipping	shown 16:9	109:9	34:14
	34:18	113:5, 8	94:2		49:20
	93:25	short 74:5	144:12	sideswipe	106:7
	103:17	117:15	147:1	37:25	149:13

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: simple..sponsored

simple	86:3	slow	70:13	43:24	specs
36:13	110:4	slowed		44:3	185:4,18
99:9	sitting	171:13		Spangler's	sped 72:9
101:20	58:3	slower		44:5	171:13
127:14	140:20	87:21		Sparks	speed
simplify	situation	96:23,24		88:22,23	25:10
136:20	45:4,8,14	153:25		89:3	40:23
simply	46:17,18	161:12		speak	41:3
43:5	47:3,5,9,	slowing	11:18,20,		69:15
100:21	10 171:3,	57:13,14	22 32:25		70:12
105:11	5,10	73:13,17	33:15		72:13
137:5	180:5	small 17:5	34:19		73:20
139:9,14	six-digit	28:12	95:25		75:14
141:10	143:16	111:5		speaking	76:5,
147:3,15	size 57:22	smashed	11:24		77:9
149:22	sketch	110:3	59:12		83:8,10
157:10	40:24	Smith 84:2	82:10		84:4,7
159:8	slammed	113:4	171:8		111:9,19,
174:24	52:7,14	134:14	180:14		22,25
simulation	53:16	169:20	speaks		112:1,3,
16:6,21,	slid 52:4	184:18	178:22		4,11
24 17:14	slide	snagged	specialty		124:10
183:20	112:9	39:18	18:18		132:9,10,
simulations	159:12	Society	specific		13 154:9
14:16	slides	21:7	21:12		158:14
138:13	72:4	35:16,20	26:18		159:25
sly 154:2	159:2	135:8	27:15		161:15
single	sliding	sooner	33:13		speeds
94:17	57:15	160:16	specificall		42:5
150:19	71:22,23	sorts	y 5:13		65:11
sit 13:2	slight	183:10	10:14		79:13
22:8	59:25	sounds	13:7		84:3
53:25	160:5	10:22	25:4,17		87:22
55:2	slightly	South 4:4	27:9,13		112:13
85:14	73:17	space 30:5	35:10,12		170:21
98:11	147:9	58:18	split		89:13
116:15	153:22	96:21	84:4		159:23
124:12	161:4,5	174:2	118:17		
181:24	slipped	179:9	181:8		
182:7	154:4	Spangler	specifics		
183:17		85:4,14	9:12		
site 20:24		86:15	sponsor		
			sponsored		
			26:9		

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: sponsorship..subject

sponsorship	155:19	157:11	STIPULATION	Street
12:6	159:7	160:13,17	4:1	60:7
spot	169:14	178:24	stop	29:23
48:15				strike
63:10	starting	steered	47:5	106:17
64:25	135:21	52:24	75:16	
146:5	153:5	171:14	76:2	striking
180:20	159:4		91:16,20	54:21
181:1	160:1	steering	93:3	strong
		17:3 45:5	111:9,20	25:11
spots	starts	53:3	118:14	
71:25	47:22	106:10		struck
		138:9	123:12,22	42:2
spreadsheet	69:12	140:1,14	124:5,6	43:11
162:17	70:10	154:12	130:14,20	77:20
	73:23	159:16	132:5,7,	80:3,8
Spring	158:20	160:17,23	9,14,16,	83:3 84:2
60:7	161:1	173:20	19 133:21	88:5 89:3
stand	173:11	steers	134:1	91:20
33:20	176:8			
standard	State 4:14	160:18	stopped	108:10
48:21	stated	161:6	59:2	168:24
171:7	25:22	step	stops 30:8	169:1
standards	statement	50:21,24	57:7	structure
91:3	12:20	51:14,15,	Store	23:22
	24:7	22 56:13,	42:14	studied
standpoint	101:19	20 153:1	stored	95:20
39:22	116:20	159:14	13:12	studies
43:7				
117:21	statements	Stephens	Stores	44:19
154:12	111:21	85:1	82:4	95:16
start	States	stepped		96:7
16:19	78:21	41:25	straight	study
17:2	79:7	83:1	41:20	28:17
29:14			89:5,6	45:1
37:11	stationary	steps	138:15	96:13
47:24	160:20	30:16	157:14	
116:22	stats	51:10	158:13	studying
130:24	151:13	Stewart	160:10,12	13:12
178:15		12:23	straighten	14:13
180:25	stays	44:5	157:15	23:23
	99:25	Stewart's		27:18
started	steer		strain	stuff
49:17	50:23	44:1	30:25	92:20
55:24	53:1,4	Stewart's	Strayer	142:9
62:3 70:2	72:17	43:22	183:9	
116:4,8	139:22	stipulated	184:2	subject
136:4,7	140:16	4:2		118:23
				170:15

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: subsequent..ten

subsequent	supplement	swung	38:8,9	138:11
26:20	163:18,21	39:21	140:17	140:13
38:18	supplied	sync	155:21	153:23
subsequentl	90:8,21	131:24	180:15	158:4
y 91:9	supplier	133:3	taking	173:14
sued	89:18	synced	22:19	176:5
113:24	suppliers	100:15	117:14	180:12
suffered	35:22	103:14	138:4	185:15
40:23	support	system	139:16	tandem
84:15	14:24	36:14	154:21	160:7
90:19	35:23	81:15	165:11	tandems
suffers	119:4	90:7	talk 33:13	52:5,8
42:18	149:10	98:16,19,	95:17	145:12
Sugama	supported	23 103:4	talked	tank 81:11
6:22	93:4	129:18	20:17,18	tapers
suggest	supporting	132:10,11	35:2	145:22
77:16	139:3	162:1,18	61:24	task 96:1
suggested	supposed	systems	68:19	tasked
80:11	181:15	13:15	77:6	7:21
123:20	182:4,5,	24:11	130:13	23:15
suing	17	31:2	148:15	150:2
114:1	supposedly	32:15	153:6	25:2,5
115:8	68:21	36:16	157:8	26:14
suit 91:6	supposing	T	165:23	27:21
113:25	65:14	170:20	taught	31:1,2,25
114:5	surfaces	173:8,24	32:18	
suits	146:9	T-a-k-a-y-	taught	
115:7	surrounding	u-k-i 6:22	31:1,2,25	
summaries	s 94:25	T-u-r-l-e-y	32:18	
134:13,	surveillanc	7:6	taught	
16,19,24	e 84:6	tab 126:15	31:1,2,25	
135:1	sustained	table	32:18	
184:24	87:11	156:18	taught	
summary	88:5,19,	157:11	31:17,20	
76:12,18,	25 89:22	tables	34:14	
20 134:14	SUV 82:4	14:24	47:2	
supervisor	swirl	15:3,11	63:22	
6:19	51:10,21	Takayuki	68:3	
supervisors	sworn	6:22	93:21	
7:8,15	4:11,21	takes	95:8,10	
			96:8,15	
			98:2	
			102:11	
			103:21	
			104:24	
			111:14	
			136:3	
			ten 92:16	

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: tendency..time

tendency	92:7,10	texting	144:14	73:16
79:19	169:22	92:17	147:8	throw
tenth	183:12	96:14	151:19	148:14
110:10,11	testifying	theory	170:21	thumb 42:1
terms 7:14	40:25	171:2	171:15	181:24
68:2 76:4	41:7 43:1	Thereabouts	176:6	thumbnail
106:15	114:9	51:25	183:10	37:22
109:23	testimony	thereof	185:6	40:24
115:15,17	18:2	38:19	20:13	43:1
133:14	41:13	44:25	thinks	78:19
138:10,14	60:6,12	70:15	57:23	tier 35:22
149:18	62:6,23	thesis	178:22	ties
155:13	63:5 65:7	27:9	third-party	128:15
161:7	67:18	thing	10:20	tighter
172:20	68:1,13	14:10	Thomas	38:9
test 26:18	69:9,10	16:23	7:10	time 4:7
137:3	70:5,23	34:15	thought	5:25 6:9
tested	71:2	39:20	57:24	7:11,13
181:16	75:24,25	96:3	75:18	8:17,20
182:5,17	76:17,22	144:8	78:11	15:19
183:2	84:23	145:4	103:16	16:1,23
testified	87:16,23	155:6	105:22	17:5
4:11	93:24	157:22	115:6	22:24
49:16	97:22	158:1	140:22	27:1 42:7
80:17	107:19	170:10,11	148:15	44:2,7
86:1	114:17,	184:15	150:8	46:24
88:25	20,21	115:11,19	175:16	47:2
94:15	116:14	things	130:20	60:22
103:16	121:20	15:14,16	18:16	61:5
108:7,13	138:22	16:1	three-	63:16
115:18	149:9	18:8	tenths	65:8,12
119:19	168:22	45:2,5	87:19	67:14
154:13	173:6	46:25	three-	69:12,14
176:1,18	174:17	68:17	vehicle	71:6 74:5
181:13	178:21	71:11	40:7	81:25
183:4	179:8	72:2,3	78:21	87:24
testifies	180:3	74:17	80:22	88:3,15
57:24	92:11	92:11	thresholds	92:19,21
69:11	testing	96:3,9	27:22	93:5,21
138:2	21:16	99:17	throttle	94:4
179:20	24:11,14,	109:2	17:3	98:11,24
testify	15	130:13	57:13	99:14,15,
18:20,23	text 92:23	135:22	23 100:9	23 100:9
68:8		139:5,15	101:1,14	

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: times..transcript

102:23	98:18	tools	119:12	84:14
103:1,9,	99:13	14:17	137:17,25	107:21
12,23	100:22	top 48:11	138:7,22	108:3
105:8	115:12	75:7	145:13	109:10
111:9	136:7	107:6	153:12,	111:17
115:20	140:10	132:1,25	19,22	112:7
117:15,21	timing	135:21	154:11	113:14,
119:5	45:2	136:3	156:9	17,21
125:11	61:22	145:23	157:4,13,	119:12
126:9	175:1	156:24	20,23	137:18,20
128:11			158:3,11	138:7,14,
129:24	timings	topic	159:20	22 145:13
131:12,16	79:14	104:20	170:1,2	151:8
132:8,19,	tire 18:18	touch 8:14	177:10,23	153:12,
25 133:1,	50:23	27:3	181:2	19,22
13,15,23	51:19			154:11
136:7,10,	144:16	touches	5:17 13:6	155:1
23 138:4	145:8,11,	13:23	22:2 69:8	156:9,20
139:11,	15 168:1	tow 56:25		157:13,23
21,23		84:14	180:21	158:2,11
140:17,19	tires			159:2,21
143:10	52:15	track	37:24	160:3
147:21	53:16	115:19	38:5,6	161:10
152:6,15	59:2	tracked	40:17	167:16
153:16,18	139:10	165:1	42:16,18	170:1,2
154:4,6,	176:20		43:6	172:8,24
17,19	179:7	traction	50:13	173:7,10
155:22	title 5:8	53:7	52:2,6,8,	174:22
156:24,25		tractor	15,17,20,	176:20
157:24	titled	38:7,8,10	22,23	177:10,23
158:7	14:3	40:17	53:17,23	179:7,14
161:25	today	43:23	54:14,15	180:8
162:2,8,	15:6,11,	44:2	56:19,25	181:2
21,22,23	15 16:14	50:14	57:4	
163:8	129:18	56:19	58:6,19,	156:12
174:5	166:22	57:3	23,24	
180:15	168:10	62:19	59:2,14,	trailers
181:17	183:16	63:20	24 63:20	137:24
183:10		65:21	65:21	
184:8	told 9:21	69:14,21,	69:11,21,	training
	58:22	22 71:13	22 70:7	21:20,22
times	82:13	73:25	71:20,24	135:7
20:18	121:15	76:8 79:5	72:1	trainings
32:6,12,	165:20	111:17	73:22,23	22:16
14,20,23	tomorrow	112:7	76:8	transcript
33:12	163:14,15	113:14,	77:15	4:17
72:24		17,21	78:3	

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: transition..typically

93:18	trial	4:7	95:4	84:25	turns
183:9		43:10,19	103:1,22	85:1,5	64:16
184:4		82:2	104:7,24	103:22	
transition		89:11	106:21	113:1,3	Twenty-
144:14		113:9	107:22	181:11	three
		114:15,16	108:4		137:25
transpired		truck	109:5,22	true 25:9	Two-
68:22		29:22	110:21	112:1,3	passenger
121:14		38:25	111:7,19	169:13	43:11
transpires		39:3	121:6	171:19	
71:14		41:20,22	123:16,24	181:15	two-thirds
transport		43:13	124:3	Tucker	117:17,18
80:25		45:14,19	133:9	43:11	two-vehicle
86:4		47:17	136:4,6,	Turley	37:13
		48:3,20	7,18	7:5,9	81:22
Transportat		50:8,11,	138:3		82:3
ion 81:4		13,25	146:4,5,	turn 37:23	83:16
trapped		51:17	14	38:1,9	84:9
59:13		52:3	147:13,	43:24	114:2
107:21		53:10,17	16,18	44:3 53:2	115:9
108:3		54:15,20	148:6,17,	61:1	two-year
109:10		55:23	20 151:10	65:16	26:23
175:6		56:12	152:13	70:1,7	117:22
trauma		57:14,19	153:24	71:19	
59:9,11		59:9,11	154:4,17,	72:5,6	type 12:5
26:10		60:10,22,	19,24	73:3,11,	16:15
travel		23,24	158:20	15,22	26:5,12
48:3		61:3	159:3,5,	74:1	32:21
54:22		62:6,9,	14,	132:10	34:14
61:15		63:14,22,	160:19	155:7	36:12,13,
92:23		24 63:23	161:15	156:11	16 45:3
106:21		64:5,7,8,	164:25	157:14	89:4
107:3		10 65:1,	165:16	158:21	112:19
traveled		6,15,17,	174:10,15	161:10	typed 4:17
54:20		23 69:2,	175:6,9,	162:16	
137:17		5,17,25	25 176:8,	173:9	types
		70:13	19		18:16,19
traveling		71:1,14	177:11,24	turned	36:8
41:3,		72:19,25	178:18,25	19:19	68:25
63:20,23		73:7 74:3	179:5,22	61:1	137:24
65:19,22		76:6,12,	180:14,15	65:25	
76:5		25 77:10	182:4,16	70:2	typical
78:25		80:3,7,11	truck's	73:3,11	45:7
80:6		83:17,18	147:11	73:19	92:23
92:25		94:8,10,	turning	84:15	typically
		21,24	truckling		21:23
			37:20		34:21

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: ultimate..vehicles

96:20,23	138:20	28:16,18	19,20,21,	80:1,10,
141:10	156:6	usage	24 31:2	12,24
	183:2	96:25	32:18	81:1,2
U	understanding	utilities	33:4,9	82:6,24
	9:17	113:5,8	34:8,9,15	83:3,9,
ultimate	10:20	utilized	37:1	10,17,19
77:15	14:13	30:16	38:2,11,	84:1,10,
ultimately	27:21		21,24	12 85:9,
	94:1		39:9,16,	10 86:25
52:4	128:8	V	17,19,20	87:6,8,9
57:10,25	153:17		40:19,22	88:24
62:2	165:3		41:19	91:8,19,
172:23	184:4	v-i-s-c-h-e-r	42:1,2,5	21,23
unavailability	understood	134:22	43:11	92:15
120:25	169:20	van	47:18,19,	106:12
unavailable	173:18	78:22	21 48:4,	107:11,20
19:17	United	79:21,23	12,18	108:1
121:14	78:21	86:19,25	49:6,10	109:9,14,
unavoidable	79:7	87:6,8,	50:8,22	17 110:3,
152:21	University	10,23	51:5,11	6,12,22
unaware	26:7	88:2,11	52:5,10,	111:4,6,
15:16	135:6	variables	12,14,16,	11 120:4
109:25	unknown	68:25	24 53:2,	132:8,12
undercarriage	73:20	83:8	6,9,16,	133:1,24
52:18,	148:7	153:2	17,21,22	138:9,10,
23 59:14	unlit	variation	54:14,16,	11
underlined	83:2	58:16	21 56:13	140:16,18
135:5,9	unloading	variations	57:10,12,	152:3,12
139:25	42:13,17	83:7	14,16,17,	153:25
underneath	85:22	varied	20 58:2,	155:3,8,
72:16	unstable	34:13	4,7,22	11,13,15
76:1	86:9	56:18,23	59:1,4,6,	158:8
153:19	unwilling	Vasquez	7 60:2	174:6
154:1,10	11:9	82:3	61:20,23	175:9
155:4,11	48:2,5	vehicle	66:6,11,	176:6,19
158:7	update	6:11	14 67:1,	180:6
understand	98:20	13:15	4,5,16	185:3,18
25:25	updated	14:8,15	70:11	vehicle's
26:15	149:10	17:1,2	72:2,4,5	13:13
28:1,2	upload	21:6,9	74:21	131:14
64:23	10:15	23:21	75:3,7,8,	vehicles
71:4		24:5 28:2	12,15,22	6:6,7,8
102:16	Upper	29:23	76:1,3	7:21
		30:1,5,7,	77:14,21	16:23
		16,17,20	78:25	18:8 20:4
			79:1,5,6,	22:23

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: Velez..Wood's

23:1,14,	venue	32:3	Vischer	weeks	139:10
15,16,17,	verdict		134:21	17:15,18	145:25
20 29:16,		43:20	visibility	161:24	146:18,20
19,20		113:10	87:20	weigh	154:16
30:13				111:2	164:21
34:7	version		visual		
37:23,25		146:11	44:20,21,	weight	wide
38:17		187:2	24	111:6,7,	167:11
51:23	versus		visually	13	width
56:15		22:17	16:11	Werner	151:20,
60:1		36:20	vivid	113:11,13	21,22
69:25		41:19	78:1		152:3
76:10		43:12	vividly	west	164:20
78:4		80:2	72:6	whatsoever	widths
79:14		82:24		107:5	154:14
84:4		98:19			
86:25		111:17	W	wheel	Wilke
87:21		115:14		50:19	80:3,6,13
119:18		176:7	waiting	51:11,12	
127:17		182:9,10	140:21	52:18	Williams
128:10,				53:2,3	134:15
133:19,23	video		waive	56:12,22	184:18
143:4		16:15	4:8,	71:23	
145:2		17:11	18	106:11	113:1,3
148:18		84:5,6	waived	110:22	
151:22		183:19	4:6	111:14	window
152:1	view	63:6	walking	117:22	
153:7		64:9	143:3	154:25	
155:24		66:6,16,	Warnick	159:13	windshield
156:9		25 67:4	Wand	160:17	38:23
159:4,15		120:21	40:2	177:4,10	66:13
164:18		121:4,6	wanted	178:4,5	177:3
165:1		143:4	23:11		
170:20		145:3	Warnick	wheels	wiped
Velez	viewing		88:16,19	50:12	123:23
86:22		120:10	Wash	52:22	wiper
87:5,9,13		40:3	39:18	53:7	
88:8	Vilter		water	54:15	
114:9,10		90:7,8	watching	58:24	wise
velocity	Virginia		75:21	79:1	114:13
38:17		26:11	79:1	107:21	witnesses
136:6	Virginia's		180:20	110:12,16	41:1 71:5
152:9		26:7	water	160:7	76:7
vendors	virtually		wearing	174:22	112:12
10:20		107:6	website	179:12,14	Witt 80:23
				180:8	81:3
			white		Wood's

BRIAN BOGESS, SEA
LITTLE vs. McClureOctober 31, 2013
Index: word..zipping

80:25	world	25:2	wrong	
word	11:6	wreck	16:7	20:24 68:9,13
45:24			24:18,23	70:16
46:1,5,12			25:9,18	71:6
words			37:21	zipping 140:23 69:7
49:19			38:3,14	164:17
64:3			41:8	171:18
95:25			74:11,19	
141:10,13			82:9	wrote
work	5:23		87:16	28:6,24 129:3
10:1			93:11,14,	135:21,23
17:19			98:15	136:10
19:21			99:12,15	140:7
22:25			100:9,13	141:4,10
24:23			101:1,14,	
25:7,13			15 103:3,	
26:18			6 105:3	Y
27:6,11			114:8	
28:25			115:12	yawning
35:24			117:24	40:20
36:19			119:5	year 11:22
83:25			123:11,17	12:21
85:21			124:8	17:25
86:3 91:8			130:12	27:3,11
93:4			132:21,22	33:6
117:5			133:8,9,	116:2,17
121:21			14,15,16	
125:18			181:17	years 8:19
126:6			182:3	10:15
129:17				11:17
167:24,25		wrecks		31:4,12,
183:18			21:22	20 32:6,
184:6			25:8 29:9	20 33:13
worked			36:5,20	34:1 35:2
12:22			71:5,6	90:22
23:5		write	28:8	113:19
			129:2,6	114:6,23
working			141:4,12	117:4
27:1 58:5			149:20	yellow
88:18		writing		145:15
workplace			114:14	York 82:14
36:15,20			145:6	
90:19		written		
113:6			149:18	